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ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE

FIRST SESSION

OF THE

TWENTY-SIXTH GENERAL ASSEMBLY,

FOR THE YEARS,

1845-6.

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ACTS

OF THE

GENERAL ASSEMBLY OF THE STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE TWENTY-SIXTH GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD AT NASHVILLE, ON MONDAY, THE SIXTH DAY OF OCTOBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FORTY-FIVE.

CHAPTER I.

An Act to Incorporate the Nashville and Chattanooga Railroad Company.

Name and style.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing a communication, by railroad, between Nashville and Chattanooga, the formation of a company is hereby authorized, which, when formed, shall be a body corporate by the name and style of "The Nashville and Chattanooga Railroad Company," and by said corporate name shall be capable in law to buy, receive by gift, hold, sell, and convey real and personal estate, as hereinafter provided, make contracts, sue and be sued, to make by-laws, and to do all lawful acts properly incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated, and to have and use a common seal, and the same to alter and destroy at its pleasure, and shall have perpetual succession of members.

Books open.

SEC. 2. Books for subscription of sixty thousand shares of the capital stock of said company, of twenty-five dollars each, shall be opened on the first Monday in January, 1846, and shall be kept open for six days, between the hours of ten o'clock in the morning and four o'clock in the evening of each of those days, at the following places, and by the following commissioners, to wit:

Books opened —where.

At Nashville, by James Overton, John M. Hill, George W. Martin, Thomas Washington, John Shelby, Godfrey M. Fogg, John W. Walker, Jacob McGavock, J. Hugh Smith, W. W. Woodfolk, A. W. Vanleer, Samuel Watkins, Thomas Wells, John Thompson, Joseph B. Knowles, James Erwin, Felix R. Raines, Pleasant Smith, J. J. Gill, John Nichol, West H. Humphreys, R. J. Meigs, A. V. S. Lindsley, Alexander Allison, and Robert I. Moore.

At Gallatin, by James A. Blackmore, Elijah Boddie, Henry B. Vaughn, Daniel S. Donaldson, S. R. Anderson, and William M. Blakemore.

At Shelbyville, by Robert Matthews, George Davidson, Thos. Dean, John Eakin, and W. C. Swanson.

At Gainesboro', by Thomas L. Bransford, Watson M. Cooke, Samuel E. Hare, and Richard P. Brooks.

At Lebanon, by Paulding Anderson, R. L. Caruthers and Calvin Jackson.

At McMinnville, by George R. Smart, William Black, Jesse Locke, Philip Hoodenpyl, and L. D. Mercer.

At Franklin, by Thomas Parks, William Park, Nicholas Perkins, Samuel Crockett, and Robert C. Foster.

At Murfreesboro', by Charles Ready, Edwin A. Keeble, Marman Spence, Lewis Garner, and L. H. Carney.

At Sparta, by James Snodgrass, John Warren and William M. Young.

At Fayetteville, by John Clark, jr., John M. Bright, Robert Farquharson, William T. Ross, James Fulton and William Bonner.

At Pulaski, by Andrew M. Ballentine, Thomas Martin, and Benjamin Carter.

At Winchester, by Benjamin Deckard, Mark Hutchins, James Harris, James Sharp, Thomas Wilson, and C. C. Garner.

At Chattanooga, by Robert M. Hooke, Benjamin Chandler, and John P. Long.

At Jasper, by Jackson Pryor, Daniel R. Rawlings, and John Herriford.

At Lewisburg, by Benjamin Williams, Ephraim Hunter, Jas. V. Ewing, Morgan Fitzpatrick, and Henry Hardin.

Subscription for stock.

SEC. 3. The said commissioners, or a majority of them, at each of the places aforesaid, shall receive subscription for stock in the said railroad company during the time the said books are directed to be kept open, and on each share so subscribed shall demand and receive the sum of fifty cents, without which the subscription shall be void.

Money to be deposited in Bank.

SEC. 4. As soon as the time for receiving subscriptions as aforesaid shall have expired, the said commissioners shall respectively deposit all the money so received by them in some incorporated bank redeeming its notes in specie, to the credit of the Nashville and Chattanooga

Railroad Company, and subject to the order of the President of the board of Commissioners hereinafter appointed, and shall also forward a correct list of all the subscribers to the said stock, with the number of shares each subscriber has taken, to a board of commissioners to be composed of the following persons: John M. Bass, John M. Hill, Francis B. Fogg, Andrew Ewing, A. O. P. Nicholson, V. K. Stevenson, John Bell, Willoughby Williams, William Nichol, S. D. Morgan, Joseph T. Elliston, Joseph W. Horton, James A. Porter, James Overton and John Shelby—who may establish rules to govern their proceedings, choose their own president, and appoint such others officers and agents, as they may think proper, and prescribe their duties, and who, or a majority of whom, shall meet at Nashville on the third Monday in January next—ascertain the whole number of shares taken in the said company, and publish the same in some newspaper printed in Nashville on or before the fourth Monday in January next; and if the number of four thousand shares shall have been subscribed, on each of which there shall have been paid the sum of fifty cents, the Nashville and Chattanooga Railroad Company shall be regarded as formed, and thenceforth and from the day of the closing of the books of subscription as aforesaid, the said subscribers to the stock shall form a body politic and corporate in deed and in law, by the name and for the purpose aforesaid, and in all things to be represented by the board of commissioners aforesaid until the election of a board of directors as hereinafter prescribed.

Commissioners.

Meet at Nashville.

Sec. 6. If on closing the books aforesaid, the number of four thousand shares shall not have been subscribed, then and in that case the said board of commissioners, by themselves or their agents, may receive subscriptions till the number of four thousand shares be taken, and whenever that number of shares shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and of which notice shall be given as hereinbefore directed, and may proceed to survey the route for the road and make an estimate of the cost of its construction. Nevertheless, no conclusive and binding location of the road shall be made by the board of commissioners, but the same be left to the determination of the first board of directors chosen by the stockholders. And the said board of commissioners may by themselves or their agents, at such times and places as they may think proper, and upon such terms as to time and manner of payment as they may deem expedient, receive additional subscriptions until the number of forty thousand shares shall have been subscribed, upon which the company may be formed and the subscribers shall thenceforth form a

Power to keep open books.

body corporate as aforesaid: *Provided*, The same shall be done on or before the first day of January, 1848. And for the residue of the original number of sixty thousand shares the said corporation, when organized, may, in like manner, receive additional subscriptions.

Reduction of shares.

SEC. 6. In case more than sixty thousand shares shall have been subscribed on closing the books when they are first opened, the shares shall be reduced to that number by deducting the surplus shares from the highest subscribers, placing them on equality of numbers as far as can be done; and after such reduction, the holders of the remaining shares shall form the company and be interested therein in proportion to the number of shares which they may then respectively hold.

Provision for return of money to shareholders.

SEC. 7. If, on closing the books on the first day of January, eighteen hundred and forty-eight, the number of forty thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him by the said board of commissioners, after defraying the expenses of opening the books, and of making a survey and map of the route and estimate of the cost of the road, which the said commissioners are hereby authorized to have made as soon as practicable.

Election of Directors.

SEC. 8. The affairs of said company shall be managed by a board of directors to consist of fifteen, who shall be chosen by the stockholders from their own body, and a president of the company shall be elected by the directors from among their own members, in such manner as the regulations of the corporation shall prescribe.

Stockholders to meet at Nashville.

SEC. 9. As soon as the number of forty thousand shares shall have been subscribed, it shall be the duty of the commissioners appointed to declare the same, to appoint a time for the stockholders to meet in Nashville, and give notice thereof by publication in some of the newspapers of Nashville, at which time and place the said stockholders, in person or by proxy, shall proceed to elect the directors of the company, and to enact all such regulations, rules and by-laws as may be necessary for the government of the corporation, and the transaction of its business. The persons elected directors at this meeting shall serve for such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place or places where the subsequent elections of directors shall be held; and such elections shall thenceforth be annually made. But if the day of annual election should pass without any election of directors, the corporation shall not be thereby dissolved, but it shall be lawful on any other day to hold and make such elections in such manner as may be prescribed by a by-law of the corporation.

Vacancies.

SEC. 10. The board of directors may fill up all vacancies which may occur in it during the period for which their board shall have been elected; and in the absence of the President may fill his place by electing a President, *pro tempore*.

Contracts of President binding.

SEC. 11. All contracts and agreements authenticated by the President of the board shall be binding on the company without seal, or such other mode of authentication may be used as the company by their by-laws may adopt.

Of the Directors.

SEC. 12. The board of directors shall not exceed, in their contracts, the amount of the capital of the corporation, and of the funds which the company may have borrowed and placed at the disposal of the board; and in case they should do so, the President and directors who may be present at the meeting at which such contract or contracts so exceeding the amount aforesaid, shall be made, shall be jointly and severally liable for the excess both to the contractor or contractors and the corporation: *Provided*, That any one may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded on the minutes of the board and giving notice thereof to the next general meeting of the stockholders.

No other road to run nearer than 20 miles.

SEC. 13. After the route of such railroad shall have been accurately surveyed and adopted, and a plat thereof deposited in the office of the Secretary of State, it shall not be lawful for any other railroad to be built, cut or constructed, in any way or manner, or by any authority whatsoever, running laterally within twenty miles of the route so adopted, unless by said company, or with the consent of the board of directors thereof for the time being.

Exclusive right.

SEC. 14. The said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandize and produce over the said railroad by them to be constructed: *Provided*, That the charge of transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement for every hundred miles, and five cents a mile for every passenger; *And provided also*, That the said company may, when they see fit, farm out their rights of transportation on said road, subject to the rates above mentioned.

Rates of charges.

Instalments.

SEC. 15. The board of directors may call for the payment of twenty-four and a half dollars on each share of stock in sums not exceeding two dollars in every thirty days: *Provided*, That twenty days notice be given of such call in at least one public newspaper of the State in which any of the stockholders may reside; and a failure to pay or secure to be paid, according to the rules of the company, any of the instalments so called, as aforesaid,

shall induce a forfeiture of the share or shares on which default shall be so made, and all payments thereon, and the same shall vest in and belong to the company, and may be restored to the owner or owners by the board of directors, if they deem proper, on the payment of all arrears on such shares, and legal interest thereon; or the directors may waive the forfeiture after thirty days default, and sue the stockholders for the instalments due at their discretion.

Transfer.

SEC. 16. The stock of said company may be transferred in such manner and form as may be directed by the by-laws of the said corporation.

Increase of stock.

SEC. 17. The said company may at any time increase its capital to a sum sufficient to complete the said road, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, and on the mortgage of its charter and works; and the manner in which the same shall be done in either case shall be prescribed by the stockholders at a general meeting; and any State, or any citizen, corporation or company of this or any other State or country, may subscribe for and hold stock in said company, with all the rights and subject to all the liabilities of any other stockholder.

Annual Report.

SEC. 18. The board of directors shall once in every year, at least, make a full report on the state of the company and its affairs to a general meeting of the stockholders, and oftener if directed by a by-law, and shall have power to call a general meeting of the stockholders when the board may deem it expedient.

Qualifications of officers.

SEC. 19. No person but a citizen of the United States, and being a *bona fide* stockholder in his own right of, at least, forty shares, which he shall have held at least three months previous to his election (except at the first election) shall be president or a director of the company; nor shall any stockholder vote in person or by proxy at any general or other election (except the first) who shall not have held in his own right the shares on which he offers to vote, at least three months previous to such election.

Manner of voting.

SEC. 20. Stockholders may vote in person or by proxy, and in the election of directors, and in voting on all questions which come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the vote shall be taken according to the following scale: the owner of one or two shares shall be entitled to one vote; the owner of not less than three nor more than four shares shall be entitled to two votes; the owner of not less than five nor more than six shares shall be entitled to three votes; the owner of not less than seven nor more than

eight shares to four votes; the owner of not less than nine nor more than eleven shares to five votes; the owner of not less than twelve nor more than fifteen shares to six votes; the owner of not less than sixteen nor more than twenty shares to seven votes; the owner of not less than twenty-one nor more than twenty-six shares to eight votes; the owner of not less than twenty-seven shares, nor more than thirty-three, to nine votes; the owner of not less than thirty-four nor more than forty shares to ten votes; and the owner of every ten shares above forty shall be entitled therefor to one vote: *Provided*, That no individual, corporation or company shall be entitled to more than five hundred votes.

Purchase of Real Estate, &c.

SEC. 21. The said company may purchase, have and hold in fee, or for a terms of years, any lands, tenements or hereditaments which may be necessary for said road or appurtenances thereof, or for the erection of depositories, storehouses, houses for the officers, servants or agents of the company, or for workshops or foundaries to be used for the said company, or for procuring timber, stones or other materials necessary for the construction of the road or its appurtenances, or for effecting transportation thereon.

Public Roads and Water Courses.

SEC. 22. The said company shall have the right, when necessary, to construct the said road, or any branch thereof, across or along any public road or water course; *Provided*, That the said road, and the navigation of such watercourse shall not be thereby obstructed; and *Provided further*, That such railroad shall not be located so near any turnpike road as to injure or prejudice the interests of the stockholders in such turnpike road, except upon such terms as may be agreed upon by the President and directors of the same, on behalf of the stockholders.

Purchase of Roads, &c.

SEC. 23. The said company may purchase, have and hold any bridge or turnpike road over which it may be necessary to carry the said railroad; and when such purchase is made to hold the said bridge or turnpike road on the same terms, and with all rights which belong to the individual, individuals or corporation from which such purchase may be made; *Provided*, That the said company shall not obstruct any public road without constructing another as convenient as may be.

Right of way.

SEC. 24. Where any lands or right of way may be required by the said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners or a majority of them, to be appointed by the circuit court of the county where some part of the land or right of way is situated, and the said commissioners, before they act, shall severally take an oath before some justice of the peace, faithfully and impartially

to discharge the duty assigned them. In making the said valuation, the commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being taken or the right of way surrendered, and also the benefit and advantage he, she or they may receive from the erection or establishment of the railroad or works, and shall state particularly the nature and amount of each, and the excess of loss and damage over and above the benefit and advantage shall form the measure of valuation of the said land or right of way. The proceedings of the said commissioners, accompanied with a full description of the said land or right of way, shall be returned, under the hands and seals of a majority of the commissioners to the court from which the commission issued, there to remain of record. In case either party to the proceedings shall appeal from the valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted; and the lands or right of way, so valued by the commissioners or jury, shall vest in the said company in fee simple, so soon as the valuation may be paid, or when refused, may be tendered. Where there may be an appeal, as aforesaid, from the valuation of commissioners by either of the parties, the same shall not prevent the works intending to be constructed from proceeding; but where the appeal is by the company requiring the surrender, they shall be at liberty to proceed in their works only on condition of giving to the opposite party a bond, with good security, to be approved of by the clerk of the court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of said valuation and interest, in case the same be sustained; and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court: *Provided*, That when the land cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed during the pendency of any proceeding to assess its value as aforesaid; nor shall any injunction or supersedeas be awarded by any judge or court to delay the progress of said work.

Damages to owners of land.

Sec. 25. In the absence of any contract with the said company in relation to lands through which the said road may pass, signed by the owner thereof, or by his agent, or any claimant or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the said road may be constructed, together with a space of one hundred feet on each side of the centre of

Without contract, land belongs to company.

said road has been granted to the company by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used only for the purposes of the road, and no longer, unless the person or persons owning the said land at the time that part of the road which may be on said land was finished, or those claiming under him, her or them shall apply for an assessment for the value of the said lands, as herein-before directed, within five years next after that part of said road was finished. And in case the said owner or owners, or those claiming under him, her or them shall not apply for such assessment within five years next after the said part was finished, he, she or they shall be forever barred from recovering the said land, or having any assessment or compensation therefor: *Provided*, Nothing herein contained shall affect the right of *femes covert* or infants until two years after the removal of their respective disabilities.

Owners of land to object in five years.

Sec. 26. If any person shall intrude upon the said railroad, or any part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she or they shall forthwith forfeit to the said company all the vehicles that may be so intruded on said road, and the same may be recovered by suit at law; and the person or persons so intruding may also be indicted for misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

Forfeiture for intrusion.

Sec. 27. If any person shall willfully and maliciously destroy or in any manner hurt, damage or obstruct the said railroad, or any bridge, or any vehicle used for, or in the transportation thereon, such person or persons so offending shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine not less than twenty dollars; and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause to defend himself by pleading or giving in evidence that he was the owner, or agent or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done or caused, at the time the same was caused or done.

Punishment for damages.

Sec. 28. Every obstruction to the safe and free passage of vehicles on the said road shall be deemed a public nuisance and may be abated as such by an officer, agent or servant of the company, and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

Sec. 29. The said company shall have the right to take, at the store houses they may establish or annex to their railroad, all goods, wares, merchandize and produce intended

for transportation, prescribe the rules of priority, and charge
Rates of storage. and receive such just and reasonable compensation for storage as they, by rules, may establish (which they shall cause to be published) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation. *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandise or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

Dividends. SEC. 30. The profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may hold.

Banking and Insurance. SEC. 31. The said company is hereby expressly prohibited from carrying on any banking operations, but may effect insurance on lives and property transported on the road.

Crossing roads, &c SEC. 32. Whenever, in the construction of said road, it shall be necessary to cross or intersect any established road or way; it shall be the duty of the company to construct said road across such established road or way so as not to impede the passage or transportation of persons or property along the same; or where it shall be necessary to pass through the land of any individual, it shall be their duty to provide for such individual a proper wagon-way or ways across said road from one part of his land to the other.

Additional powers. SEC. 33. The said company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work.

Amendment of Charter. SEC. 34. This charter shall be amendable, from time to time by the Legislature whenever the president and directors shall unanimously petition for amendments, specifying in the petition the nature of such amendments; and when such amendments shall be adopted by the Legislature and submitted to the directory, and be accepted and adopted unanimously by the president and directors, they shall be obligatory on the stockholders, and not otherwise.

Exemption of officers. SEC. 35. The president, directors, clerks, agents, officers and servants of said company shall be exempt from military duty, except in cases of invasion or insurrection, and shall also be exempt from serving on juries, and working on public roads.

Power to buy Slaves. SEC. 36. The company shall have full power and authority to purchase and own such number of slaves as may be necessary for the construction of the said road and for keeping the same in repair.

SEC. 37. If by decree or otherwise the said corporation

shall be dissolved, the president and directors of said company are created trustees with such powers only as may be necessary to collect the debts due the company, preserve the property, pay the debts and distribute the property and effects of the company to those who may be entitled thereto under the charter. Power to collect and distribute.

SEC. 38. The capital stock of said company shall be forever exempt from taxation, and the road with all its fixtures and appurtenances, including workshops, warehouses and vehicles of transportation, shall be exempt from taxation for the period of twenty years from the completion of the road, and no longer. Exemption from taxation.

SEC. 39. The railroad authorized by this act shall be commenced within three years after the passage of this act, and shall be finished within six years thereafter, otherwise the charter hereby granted shall be void.

SEC. 40. Any individual or individuals, company or body corporate, with permission of the Legislature of this State may hereafter construct branches to unite with the said Nashville and Chattanooga railroad; and it shall be the duty of said company, when required, to receive on their road the full loaded freight-cars from such branches, and transport the same to their destination, and to return them, without changing the loads thereof, or charging for the transportation of the goods, wares, merchandise and produce therein, any greater rate of freight than they charge for similar goods, wares, merchandise and produce in their own cars. *Provided*, That the company shall not be compelled to receive such cars on their road, unless they are constructed in the same manner, and are of equal strength with their own cars; of which the engineer of the main road shall be the judge: *And provided*, That the company shall not be required to receive any car from such branches without receiving payment for at least twenty miles transportation; *And provided also*, That the said company shall be entitled in all respects to similar and equal privileges on any branches constructed to unite with their road, subject to the same restraints. Construction of branches.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

PASSED, December 11, 1845.

CHAPTER II.

An Act to incorporate the town of Williamsport, in the County of Maury.

Corporation limits.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Williamsport, in the county of Maury, and the inhabitants thereof, are hereby incorporated in the within described limits, viz:

Beginning at the south-west termination of Washington street, on the Columbia road; running north with the east side of Washington street to Duck river; thence down said river to the west termination of Main street; thence south with the west side of Main street to Edward Williams' north east corner; thence west to the north-west corner of his lot; thence south to the south-west corner of Mrs. Sarah Walker's lot; thence east to the Columbia road; thence with said road to the beginning, under all the regulations and privileges as was the town of McMinnville, in Warren county, by an act, passed at Nashville, on the 11th day of October, 1832.

Repeal.

SEC. 2. *Be it enacted*, That all acts, and parts of acts, heretofore passed in relation to the incorporation of said town of Williamsport, be and the same are hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed November 12, 1845.

CHAPTER III.

An Act to incorporate Irving College, in Warren County.

Trustee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That S. W. Owen, be and he is hereby constituted a body sole corporate, by the name and style of the Trustee of Irving College; and by that name be capable of sueing and liable to be sued in any of the courts of law or equity in this State.

Powers of trustees.

SEC. 2. *Be it further enacted*, That said Owen, as such sole corporation, shall have power to appoint all such agents, teachers and professors as he may think proper, and to choose his successor at pleasure; that said corporation shall have a corporate seal, changeable at the pleasure of the corporation; and that by the name and style of the Irving College, said corporation shall continue its existence

for the term of one hundred years by succession or otherwise.

Appointment of Faculty.

SEC. 3. *Be it further enacted.* That said Owen, as Trustee as aforesaid, shall continue to be principal and chief manager of said College; and, as such, shall have power to prescribe the course of studies and discipline of said Institution, and that he, together with such teachers and professors as he may select and employ, shall constitute the faculty of Irving College, with all such powers and privileges as belong to other Colleges of this State.

Duties of Faculty.

SEC. 4. *Be it enacted,* That the said Trustee and faculty at each annual examination shall publish a report of the condition and professors of the Institution, with the number and names of the students, and all such other information as may seem conducive to the interest of the Institution, and desirable to its patrons and profitable to its students.

Powers.

SEC. 5. *Be it further enacted,* That the Trustee and Faculty aforesaid shall have full power and authority to confer such degrees and literary honors as are usually conferred in colleges and literary institutions, and to give diplomas under the hands of such Trustee and teachers, under the seal of the Institution.

Property.

SEC. 6. *Be it further enacted,* That all the present property, effects and estate now owned by the present Irving Institution of Warren, of which said Owen is at present principal, teacher and manager, and which is at present under his management and control, shall continue and remain as part of the property, effects and estate of said Irving College, subject, however, to all such legal or equitable claim or claims as before the passage of this act.

Hold property.

SEC. 7. *Be it further enacted,* That said corporation may have and hold by purchase, donation, will, gift or otherwise, real and personal estate, property and effects, to any amount not exceeding in value one hundred thousand dollars.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed November 12, 1845.

CHAPTER IV.

An Act to amend an act, entitled "An Act to incorporate a Literary Institution at the town of Maryville, in Blount county, to be styled the Maryville College."

Powers of Trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That eight Trustees shall constitute a quorum for the transaction of business, except in the enactment of bye-laws, when a majority of the whole shall be required, and a majority of the Trustees shall have power to fill vacancies in their own body: *Provided*, That no appointment, so made by said Trustees, extend beyond the close of the next ensuing session of the annual meeting of the Synod of Tennessee, and said next Synod shall have power to fill all vacancies, and designate the term of service of said Trustees according to the usage and custom of said Institution prior to its incorporation.

Theological Professorship.

SEC. 2. *Be it enacted*, That the Trustees shall have power to establish a Theological Professorship, by any moneys in their hands not otherwise appropriated, and any Evangelical Church, or any member or members of the same, may establish or aid in establishing such professorships in said Institution, with the consent of the Board of Trustees, under such rules and regulations as may be agreed upon between said Church members and said Board; *Provided*, That such Church or members may name such Professorship, and appoint the Professors.

Law and Medical Professorship.

SEC. 3. *Be it enacted*, That any person or persons may found Professorships of Law and Medicine, or both, in said Institution, under such rules and regulations as may be agreed upon between such person or persons and said Trustees.

Repeal.

SEC. 4. *Be it enacted*, That so much of the act entitled, "An Act to incorporate a Literary Institution in the town of Maryville, in Blount county," and an act entitled, "An Act to amend said act," that comes within the purview and meaning of this act, be and the same are hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed November 12, 1845.

CHAPTER V.

An Act to annex a portion of the North West corner of Wayne County to the County of Perry.

New line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all that portion of Wayne County lying north and west of a line, commencing on the Tennessee river in Wayne county, at the north of Beach Creek, running thence up said creek to the fork near John Johnson's, thence up the north fork to the next fork, thence with the dividing ridge between the forks so as to strike Buffalo river at the mouth of Canoe branch, crossing said river, thence up said Buffalo river including John Smith's, at the foot of Samuel Holmes' bend, thence one mile north, thence east to the Lewis county line, thence with the Lewis county line to the point where it passes into Hickman county, thence westwardly with the line between Hickman and Wayne to where it joins Perry county; be and is hereby attached and shall constitute a part of Perry county.

Commissioners.

SEC. 2. *Be it enacted*, That Andrew H. Guthrie, Nephali Tracy, James Mathews, Andrew J. Helms and Simon D. Whitly be appointed commissioners to assign the citizens thus stricken off to such civil district or districts within the county of Perry as shall be most convenient for them. And that the citizens thereof shall be entitled to all the privileges and subject to all the liabilities of the citizens of the county of Perry.

Military duty

SEC. 3. *Be it enacted*, That the citizens within the territory thus stricken off from the county of Wayne, be required to perform military duty as the citizens in the respective districts in Perry county, to which they have been attached as provided in the second section of this act, *Provided always*, that if the county of Perry be divided otherwise, this act is rendered null and void.

Election.

SEC. 4. *Be it enacted*, That Andrew J. Helms and Simon D. Whitly, Esqs., be appoined to open and hold an election at the Cross Roads at Alexander Oaks' old place, on Saturday the 7th day of February next, after giving fifteen days notice in at least four public places in the district, proposed to be attached. And all those in favor of being attached to Perry county, shall have on their ticket "Perry County," and those who are opposed, shall have on their ticket "Wayne County," and none but those qualified by law to vote for Governor, &c., and residing within the territory proposed to be attached shall vote, and if a majority of the legal voters residing in said territory vote in favor of being attached as aforesaid, then and in that case, it shall be considered a part of Perry county; *Provided*, That said county of Wayne shall not be reduced below the constitu-

tional limits of 625 square miles: *And provided further*, That said line shall not approach within 12 miles of Waynesborough, the county seat of Wayne county.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed November , 1845.

CHAPTER VI.

An Act to incorporate a company to be called the Lewisburg Turnpike Company.

Powers and franchises.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Turnpike Company be and the same is hereby established with corporate powers and franchises, for the purpose of constructing a turnpike road from Petersburg, in Williamson county, at or near Riggs' Cross Roads, to Lewisburg, in Marshall county, under the same rules, regulations and restrictions as provided in an act, entitled, "An Act to incorporate the Harpeth Turnpike Company, passed on the 23d day of December, 1837," except where it is otherwise provided for in this act.

Style.

SEC. 2. *Be it enacted*, That the style of said corporation shall be the Lewisburg Turnpike Company, and by that name they shall sue and be sued, and exercise their other corporate powers and franchises.

Names of Surveyors.

SEC. 3. *Be it enacted*, That Dr. W. S. Webb, Richard Ogilvie, Thomas Patton, Stephen Jordan, Gideon Riggs, J. B. Boyd, Alfred Ogilvie, Crockett Sawyer, J. F. Fergason, Jason Shuffield, Esq., James Williams, Dr. J. H. Robertson, J. W. Ogilvie, Col. E. A. Wilson, Marcus Wilson, John Patterson, H. Allen, And. Venable, Col. A. Boyd, Robert Lain, Esq., Dr. J. R. Jones, Jesse Stegall, W. Leegate, Wm. McLain, Col. E. Hunter, Maj. B. Williams, W. Black, Gen. J. C. Record, Col. John Laws, or any ten of them are hereby authorised to survey, locate and mark said road.

Commissioners.

SEC. 4. *Be it enacted*, That John Thompson, of Davidson county, William S. Webb, David Sawyers, of Williamson county, J. H. Holt, Benjamin Williams and E. Hunter, of Marshall county, are hereby appointed Commissioners to value the Lewisburg Turnpike Road; and any three of said Commissioners are hereby authorised to examine said road after it is located, and estimate the value of building each half mile and mile separately, and shall at such time and place or places as they may appoint, after giving twenty days notice in some newspaper published in the city of

Nashville, open books for the subscription for stock in said road, and for constructing one half mile, one or more miles of said road, which shall entitle the subscription to stock in said road to the amount of the valuation of said half mile or mile so subscribed; and the members of said Company shall hold stock in said road, as is provided for in this act. And the owners or subscribers of stock in said road are hereby created a body politic and corporate, by the name and style aforesaid, and may make contract with or without a common seal and exercise all the privileges herein conferred.

State not to hold stock.

SEC. 5. *Be it enacted*, That the State of Tennessee shall not be compelled to subscribe any of the capital stock of said Company, or be put to any expense on account of said road.

Capital stock.

SEC. 6. *Be it enacted*, That the capital stock of said Company shall be a sufficient amount to complete said road, not exceeding sixty thousand dollars, to be divided into shares of fifty dollars each.

Appointment of officers.

SEC. 7. *Be it enacted*, That whenever the building of seven miles of said road is subscribed for, or stock sufficient, in the opinion of the Commissioners, to build seven miles of said road, a meeting may be called by the above last named Commissioners or a majority of them, of all the subscribers of stock in said Company, for the purpose of appointing a President and Directors, and other officers to conduct the business of said Company, which is to be done as is provided for in the above recited act, entitled, "An act to incorporate the Harpeth Turnpike Company." The number of Directors for said Company shall be seven, all of whom shall be stockholders.

Voting.

SEC. 8. *Be it enacted*, That where the stockholders of said Company shall be called upon to vote or express the will of the corporation, they may vote in proper person or by proxy, as shall be deemed expedient by said stockholders.

Contracts.

SEC. 9. *Be it enacted*, That the President and Directors shall contract for the building or constructing such part or parts of said road as shall not be subscribed for in work.

Payments.

SEC. 10. *Be it enacted*, That the said President and Directors may prescribe the manner and time in which the stockholders may pay for their stock, and they may call in such manner and at such times, for the payment thereof, as they may deem best.

Style of building road.

SEC. 11. *Be it enacted*, That said road shall be made in every respect in the manner prescribed for the Harpeth Turnpike Road, of which it is a continuation.

Stockholders not to be Directors.

SEC. 12. *Be it enacted*, That no person who is the owner of stock in any other Turnpike Company shall be a Director in the Lewisburg Turnpike Company.

Erection of gates.

SEC. 13. *Be it enacted*, That when the first seven miles of said Road shall have been completed from Petersburg, the said Company shall have the privilege of putting up a gate not nearer than three miles of Petersburg, and to receive toll as is provided for in the act chartering the Harpeth Turnpike Company, and when eleven miles of said Road shall be completed from Petersburg, they shall have the right to put up a gate and receive toll within one mile of the point where said eleven miles will terminate; and in like manner, the Company shall have the right to establish a gate and receive toll for each five miles of the remainder of said Road as completed: *Provided*, a gate shall not be erected nearer than three miles of Lewisburg.

Time of completion.

SEC. 14. *Be it enacted*, That the Road shall be completed to Riggs' Cross Roads, on or before the 25th of Dec. 1848, and the road shall be completed on the entire route on or before the 25th of Dec. 1851; otherwise there shall be a forfeiture of such parts of said Road as are not completed at the respective periods aforesaid.

Governor to appoint Commissioners.

SEC. 15. *Be it enacted*, That when said road or a portion thereof is completed as is prescribed in this act, the Governor shall appoint three Commissioners to receive said road or the portion thereof that is finished, and if they shall be of opinion that the road or portion thereof is completed in a good substantial Turnpike Road manner as is provided for in this act, and the act chartering the Harpeth Turnpike Company, they shall give a certificate to that effect to said Company, and they shall be authorized to put up their gate or gates and receive toll as herein provided.

Compensation to Commissioners.

SEC. 16. *Be it enacted*, That the Commissioners to value said road shall each receive for his services the sum of two dollars per day for each day he shall be engaged in the performance of the duties herein required of him, to be paid by said Company.

Three instead of five Commissioners.

SEC. 17. *Be it enacted*, That the third section of an act passed 15th Nov. 1841, chap. 11, be so amended that only three Commissioners be required to perform duties imposed on said Commissioners by said act instead of five.

Duck river bridge to be free.

SEC. 18. *Be it enacted*, That if said road should cross Duck River at the new bridge built over said River by Marshall county, no gate shall be put up so as to prevent the citizens of said county of Marshall from free access to said bridge, and to pass over the same free of charge.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

PASSED.

CHAPTER VII.

An Act to regulate the Courts, &c. of Perry county, and to establish the county of Decatur, in honor of and to perpetuate the memory of Commodore Stephen Decatur, of the United States Navy.

WHEREAS, It has been satisfactorily made known to this General Assembly, that the county of Perry is divided by the Tennessee river, to the manifest inconvenience of a very large portion of its citizens, and that by attaching a portion of the county of Wayne to the county of Perry, there is sufficient territory within the requirements of the constitution to divide said county by the river, and organize a new county on the west side of the river. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all that part of the county of Perry, lying and being East of the Tennessee river, together with that portion of Wayne, attached by this General Assembly to the county of Perry, shall be and remain the county of Perry aforesaid.

East of Tennessee river to be Perry county.

SEC. 2. *Be it enacted*, That the civil and military divisions within the boundaries of Perry county, as described by this act, and all the respective officers thereof, shall remain as they now exist, with all the rights, duties, jurisdictions and functions, as the law now confers, as well in the civil administration of justice as in its military organization, under the same rules, regulations and restrictions, as if this act had never been passed.

Civil and Military divisions not to be altered.

SEC. 3. *Be it enacted*, That the county seat of the county of Perry be and is hereby located at Harrisburg, in said county, and for the administration of justice, the county and circuit courts of said county shall be held in some house in the town of Harrisburg, in said county, and the circuit courts thereof shall be holden on the 3d Mondays in January, May and September, and said county shall be attached to the 14th Judicial circuit in said State, provided that the county court of Perry, a majority of the Justices concurring therein, may adjourn to some other place in said county, if they find it more convenient to hold the courts aforesaid, and adjourn to the seat of justice whenever the necessary arrangements are made, or public buildings erected, as hereinafter provided in this act, and all writs and other precepts returnable to either place where said courts may have been removed by the county court aforesaid, and said courts to be under the same rules, regulations and restrictions, and shall have, hold, exercise and possess the same power, as courts in other counties in this State.

Harrisburg to be the county seat.

SEC. 4. *Be it enacted*, That Isaac W. Stanly, Wyly R. Lane, William Watson, Andrew H. Guthrie and Basdal

Commissioners to lay off county seat.

Brown, be, and they are hereby appointed a board of Commissioners for said county of Perry, for the purposes hereafter mentioned:—They shall appoint a Chairman and Clerk of their own body, and keep a regular record of all their proceedings, and shall, as soon as practicable after the location of the county seat shall be permanently established, as hereinafter provided for, procure by purchase or otherwise, a sufficient quantity of land upon which to lay off a town and to erect all necessary public buildings for said county, and the Commissioners shall make to themselves, and their successors in office, a deed or deeds of conveyance with general warrantee for the lands so purchased or otherwise obtained, and it shall be the duty of said Commissioners to cause a town to be laid off in said county, at the county seat, into lots, streets and alleys, of such size and width as they may deem necessary, reserving a sufficient quantity of land for the purpose of erecting a Jail and Court House; and further, it shall be the duty of said Commissioners to sell the lots in said town on a credit of at least twelve months, first giving twenty days notice in some newspaper published in Columbia and Jackson, and setting a day on which the sale will take place at the county seat, and shall take bond with good security from the purchaser or purchasers of said lots, payable to themselves and their successors in office, and said Commissioners shall give a bond as Commissioners, for a title to the purchasers in fee simple, when the said lot or lots shall have been paid for.

Commissioners to give bond.

SEC. 6. *Be it enacted*, That the proceeds of the sales of the lots, aforesaid, shall be a fund in the hands of said Commissioners for defraying the expenses incurred in the purchase of said tract of land, on which the county seat shall be located, and for defraying the expenses of erecting the necessary public buildings as a majority of the county court of said county shall order to be built, and shall at the same time take bonds from the undertakers, with ample penalties and sufficient securities, payable to themselves and their successors in office, conditioned for the faithful performance of his or their contract, and it shall be the further duty of the Commissioners to report all proceedings by them had under this act to the county court of said county, when called on by notice from the Chairman of said court, and said Commissioners, before they enter upon the duties assigned them by this act, shall take an oath before some Justice of the Peace to faithfully and honestly perform the duties of their office, to the best of their judgment and ability, and they shall moreover enter into bond with security in the penalty of two thousand dollars, payable to the Chairman of said county court and his successors in office, conditioned for the faithful performance of the du-

ties enjoined upon them by this act, and for the just application or forthcoming of such funds as may come to their hands, as Commissioners aforesaid; and further, the said Commissioners shall keep a regular and fair record of all moneys by them received, and the amount expended, and when the public buildings of said county shall have been completed, the Commissioners shall, by order of the county court, pay over any surplus money that may be in their hands, to the county Trustee, of said county, for county purposes, and they shall, for their services, receive such reasonable compensation as shall be adjudged them by the county court of Perry county.

County court to fill vacancies.

SEC. 6. *Be it enacted*, That a majority of said Commissioners shall have full power to transact any business that the whole of them are empowered to transact and do, and if a vacancy occurs, it shall be filled by the County Court, he or they entering into bond as required by this act.

Election to locate seat of justice.

SEC. 7. *Be it enacted*, That the Sheriff of said county shall open and hold an election on the first Thursday in August next, at each precinct in said county, wherein every voter, qualified by law to vote for Governor, members of Congress, and members of the General Assembly, &c., shall be entitled to vote, under the same regulations, penalties and restrictions, as are now provided for by law, for the permanent location of the Seat of Justice in said county of Perry; there may be an indefinite number of places designated to vote for, but none of them shall be more than six miles from the centre of said county, and if no place shall receive a majority of all the votes cast, at said election, then and in that case, said sheriff shall on the first Thursday in September next, open and hold an election in like manner as aforesaid, when the two places which received the highest number of votes shall only be put in nomination, and whichever of said places shall receive a majority of votes, shall be considered the permanent Seat of Justice for said county.

Transfer of suits.

SEC. 8. *Be it enacted*, That all the suits which may be upon the Dockets of the Circuit Court of Perry, at the time this act takes effect, where both plaintiff and defendant, or plaintiffs and defendants reside within the newly described county of Perry, shall be transferred to the Dockets of said county for trial, and all other causes, remaining upon said Dockets shall be heard and determined in the new county of Decatur established by this act, and all books, papers, &c., belonging to the offices in the county of Perry before this act takes effect, be transferred to the proper officers and offices, of the county of Perry, as herein organized, except those papers, &c., which are necessary in those suits to be heard and determined in the county of Decatur, and that the officers of the two counties,

be not required to hold their offices at the county seats, until the complete and permanent location of the county seats for the respective counties, which county seats shall be known and distinguished by whatever names the majority of each board shall designate for their respective county seats.

Debts of county.

SEC. 9. *Be it enacted*, That all debts and liabilities, which may now be due and owing by the county of Perry, shall be liquidated and paid by each county respectively, in proportion to the Tax lists taken for the year 1845, until said debts are paid.

Election of officers.

SEC. 10. *Be it enacted*, That on the first Saturday in March next, there be elected for the county of Perry as constituted by this act, a Circuit Court Clerk and Register, and all officers required by law to be elected in the respective counties.

Decatur county.

SEC. 11. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be and is hereby established to be composed of all that part of Perry county lying on the west side of Tennessee river, to be known and distinguished by the name of Decatur county, in honor of, and to perpetuate the memory of Commodore Stephen Decatur, of the United States Navy, of whose services our Nation should be proud, and whose memory should be revered.

Boundaries.

SEC. 12. *Be it enacted*, That the county of Decatur shall be bounded as follows, to wit:—Beginning on the west bank of Tennessee river, at the low-water mark, in the north-east corner; thence west with the line between Humphreys and Perry, to its north-west corner; thence south with the line between Perry, Carroll, Henderson and Hardin, to the Tennessee river, at its south west corner; thence with the Tennessee river, to its south-east corner; thence north with the line between Wayne and Perry, to the Tennessee river; thence north with the low-water mark of Tennessee river, to the beginning.

Commissioners.

SEC. 13. *Be it enacted*, That for the purpose of organizing the county of Decatur, John C. Yarbrough, Wm. J. Menzies, John S. Walker, Samuel Brashear, and David B. Funderburg, be, and they are hereby appointed a board of Commissioners, who shall have the same powers, and perform the same duties and labor, under the same obligations, that are imposed upon the Commissioners for Perry county; and as Commissioners for Decatur county, that are required to be performed by the Commissioners of Perry county, in the 4th, 5th and 6th sections of this act; and further, it shall be the duty of the Sheriff of Decatur county, to perform the same duties for Decatur county that are imposed upon the Sheriff of Perry county, as contained in the seventh section of this act. *Provided*, that nothing herein

contained, shall prevent Perryville being voted for as the county seat of Decatur county, in the same manner and regulations as provided in the said 7th section of this act; even though it might prove to be more than six miles from the centre of said county of Decatur.

Districts.

Sec. 14. *Be it enacted*, That the civil and military divisions within the boundaries of Decatur county, as described by this act, and all the respective officers thereof shall remain as they now exist, with all the rights, duties, jurisdictions and functions, as the law now confers, as well in the civil administration of justice as in its military organization, under the same rules, regulations, and restrictions, as if this act had never been passed. *Provided*, that the Circuit Clerk and Register may hold their offices, and exercise the duties thereof, as Clerk and Register of Decatur county, until the next regular election for such officers, and all officers required by law to be elected on the first Saturday in March, for other counties, shall be elected in Decatur county.

Courts held at Perryville.

Sec. 15. *Be it enacted*, That until the duties imposed upon the Commissioners and Sheriff of Decatur county be complied with, as hereinafter set forth, the County and Circuit Courts shall be held at Perryville, in some house within the corporate limits of said town. *And further*, it is provided, that if Perryville should be selected by the people, agreeably to the provisions of this act, for the county seat of Decatur county, then the Jail already built, shall be made use of as the county Jail, and the public square appropriated for the building of a Court-house for Decatur county.

Judicial Circuit.

Sec. 16. *Be it enacted*, That the county of Decatur shall be attached to the 10th Judicial Circuit, and the Circuit Courts shall be held on the 3rd Mondays in March, July and November, and Decatur county shall be attached to the same Chancery Court district to which Perry county now belongs.

Vote with Perry county.

Sec. 17. *Be it enacted*, That the citizens of Decatur county, in all elections for Governor, Representatives in Congress, members of the General Assembly, and Electors for President and Vice President, shall vote with Perry county, from which they have been taken off agreeably to the provisions of the 5th section of the 10th article of the Constitution of the State.

When to take effect.

Sec. 18. *Be it enacted*, That this act shall take effect, and go into operation from and after the first Thursday in March, 1846; *provided*, that the counties of Wayne and Perry be not reduced below the constitutional amount of six hundred and twenty-five square miles. *And provided*, Decatur county contains the constitutional amount of three hundred and fifty square miles.

Sec. 19. *Be it enacted*, That the 15th section of the act

to establish the county of Lewis, be so amended, as to authorize the several Courts directed in said act to be holden at the house of John Blackburn, until the public buildings for said county shall be completed, shall be so construed as to authorize said Courts to be holden in the town of Gordon, so soon as a suitable house shall be procured; due notice of which shall be given to the clerks of the several Courts in said county, by the Commissioners therein appointed.

Courts held at J. Blackburn's.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed November , 1845.

CHAPTER VIII.

An Act to provide for the Occupant Settlers South and West of the Congressional Reservation Line, and for other purposes.

Pre-emption right.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed the 11th January, 1842, Chapter 34, entitled "An act to carry into effect an act of Congress passed and approved 18th February, 1841, authorizing the State of Tennessee to perfect titles to the vacant and unappropriated lands South and West of the Congressional Reservation Line in this State," be so amended that all persons entitled to the right of occupancy or pre-emption, named in said act, shall have preference in entering their claims until the first day of July, 1849; and the land office shall not be opened for the sale or entry of the land contained in such occupant and pre-emption claims, by any person other than such person owning the occupant or pre-emption, their assignees or legal representatives.

Purchasers to file description.

SEC. 2. That after the first day of July, 1846, any person or persons who may desire to purchase any of the vacant or unappropriated land South and West of the Congressional Reservation Line, not claimed by an occupant or pre-emption right under the laws of this State, may file with the entry-taker a locative description of the land he may wish to purchase, and shall bid and pay to the entry-taker a sum at least sufficient to pay all fees necessary to obtain a grant from the State for said land, and the entry-taker shall receive and file such location and issue to the surveyor of his county a copy of the same, whose duty it shall be to survey said land so described under the same rules as other surveys are made under the laws of this State; and return a plat and certificate of such survey to the office of

the entry taker, and the entry-taker after ten days advertisement in writing on the Court house door of the day of sale, shall offer said land for sale at the Court-house door in open market to the highest bidder for cash—starting said land at the amount of the bid filed. And should said highest bidder fail to immediately pay to the entry-taker the sum of money bid, the entry-taker shall again offer said land for sale, and should it not bring as much as the sum before bid he shall sue such defaulting bidder for the difference; and when a sale is made the entry-taker shall insert in the plat and certificate the name of the purchaser or purchasers, also the sum received for the land; and record the plat and certificate and transmit the same to the Register's office, and procure a grant to the purchaser for said land; and, should the person who filed the location not become the purchaser, the entry-taker shall pay him back the sum paid by him when the location was filed.

Fees paid by entry-taker.

SEC. 3. That all fees of entering, surveying, recording and obtaining grants for land South and West of the Congressional Reservation Line, shall hereafter be paid by the entry-taker out of the monies received by him for the entry or sale of said lands, and the Comptroller shall allow him a credit for the same on settlement. And the entry takers are hereby authorized to receive one dollars and fifty cents as a fee for advertising, selling and obtaining grants on each and every tract sold under the provisions of this act, to be paid out of the monies aforesaid.

Perfecting claim

SEC. 4. *Be it enacted*, That in all cases in which an occupant claimant South and West of the Congressional Reservation Line may have heretofore died, or may hereafter die, without having perfected his title to his occupant claim, it shall be the duty of his administrator or executor, as the case may be, by the use of the first money which shall come to his hands, to perfect the title to the occupant claim of his testator or intestate, in the name and for the use of the heirs at law of such decedent claimant, for which proper receipts and vouchers shall be taken and produced on settlement by such administrator or executor, and allowed to him or them [by] the clerk making such settlement; and should the administrator or executor fail or neglect to perfect titles as aforesaid, then and in that case it shall be the duty of the guardian of the minor heirs of such decedent to obtain title to all or so much of said claim as may rightfully belong to such minors, by the use of any monies in his hands; as such guardian; which amount so used shall be credited to the guardian on his settlement.

BROOKINS CAMPBELL,
Speaker of the House of Representatives
H. M. WATTERSON,
Speaker of the Senate.

Passed November 17, 1845.

CHAPTER IX.

An Act to amend the Charter of the Bank of Tennessee.

Governor to nominate Directors.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall hereafter be the duty of the Governor to nominate the board of Directors of the Bank of Tennessee to the General Assembly for confirmation within thirty days after the meeting of the same; and that said board of directors shall be organized to enter upon their duties by the 1st of January succeeding their confirmation, at which last named time the term of service of the former board shall terminate.

Terms of office of Directors.

SEC. 2. *Be it enacted*, That the board of Directors of the Bank of Tennessee, now in the Bank, shall continue in office and discharge the duties of directors until the 1st of January, 1846, and their acts down to that period shall be deemed valid; and on the first of January, 1846, the board of directors nominated and confirmed at the present session of the General Assembly shall enter upon their duties, and within thirty days thereafter they shall appoint the directors for several branches, who shall organize and enter upon the duties immediately after being notified of their appointment; and forever hereafter the boards of the branches shall be appointed within thirty days after the 1st of January in each and every year.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed Dec. 3, 1845.

CHAPTER X.

An Act to exempt from tax and charges the exhibition of skeleton or fossil remains of animals, and of the fine arts and scientific exhibitions.

Whereas, a doubt exists whether under the revenue laws of this State, the exhition of the skeleton or fossil remains of animals found within the limits of Tennessee, and of specimens of fine painting and sculpture, and of other scientific exhibitions are exempt from taxes and charges.

And whereas, such exhibitions tend to improve the knowledge and taste of a people, and ought not to be discouraged and prohibited—for remedy thereof,

Paintings, Sculptures, Skeletons, &c. exempt.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the revenue act, which imposes on all exhibitions for which money is taken, the tax of fifty

dollars in each county of this State, be so restricted as not to embrace and include the exhibitions enumerated in this section, and that the exhibition of skeleton or fossil remains of animals, the exhibition of any specimen or specimens of fine painting or of fine sculpture, be and the same are hereby exempted from all taxes and charges whatsoever.

SEC. 2. *Be it enacted*, That the act shall extend only to such exhibitions above enumerated, as are really and in good faith the skeleton or fossil remains of animals, and are specimens of fine painting and sculpture, and shall not exempt any exhibition in which such subjects are used evasively or colorably; and shall not be construed to exempt any of the objects now enumerated in the revenue laws of this State, as feats of activity, slight of hand, wax figures, or shows and such like: *Provided*, if any thing subject to be taxed, shall be exhibited in connexion with the things herein exempted from taxation, then and in that case, the taxes required by law shall be paid to authorize said exhibitions under the penalties prescribed by law, and it shall be the duty of the Clerks of the County Courts of this State to see that the act shall not be violated, and prosecute all persons violating the same.

County court clerk to prosecute for violation

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

CHAPTER XI.

An Act for the relief of the proprietors of the Turnpike Road leading from Sparta to the Crab Orchard.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Daniel Clark, Mark Lowrey, Madison Fiske and Barlowe Fiske, proprietors of the Turnpike Road leading from Sparta, in White county, to the Crab Orchard in Bledsoe county, be and they are hereby incorporated under the name and style of the Sparta and Crab Orchard Turnpike Company, and by that name shall have succession of members and corporate existence for the term of twenty years from and after the expiration of the present charter of said road, and shall have the further time of two years, to open said road agreeably to the provisions of the charter establishing the same, with all the rights and privileges thereunto appertaining.

Incorporation

SEC. 2. *Be it enacted*, That all the benefits, profits and emoluments arising from tolls and profits on said road,

Profit goes to proprietors.

accrue and inure to the use and benefit of the proprietors of said road, or their assigns, for the further and full space and term of twenty years, from and after the expiration of the present charter thereof, to be kept in repair as now required by said charter.

Commissioners. SEC. 3. *Be it enacted*, That Joseph Herd and Smith J. Wallings be appointed commissioners on said road, whose duty it shall be to review and examine said road twice a year, and shall in all respects be governed by the same rules and regulations as prescribed in the original charter, who shall receive each two dollars per day for the times necessarily and reasonably employed in said road, to be paid by the proprietors thereof for the time being: *Provided*, always, that said Commissioners shall, upon affidavit being made before any Justice of the Peace of the county through which said road passes, that the same is out of order, and not in the repair required by the charter; and upon the same being presented to said Commissioners or either of them, it shall be their duty immediately to examine said road, and if found out of order, shall give notice to said proprietors, who shall be allowed ten days to repair the same, and on failure thereof, it shall be the duty of said Commissioners to open said gate, and the proprietors shall not receive any tolls until the same shall be put in repair, as required by the Charter.

Repeal. SEC. 4. *Be it enacted*, That all laws heretofore enacted, appointing Commissioners on said road, be and the same are hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 6, 1845.

CHAPTER XII.

An Act to amend an act, entitled, "An Act to establish the County of Jones." Passed January 27th, 1844.

Resurvey. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John P. Hardin, Samuel Chormbley, Andrew Cowan, Arthur H. Henly and Joseph S. Milligan, present Commissioners of Jones County, or a majority of them, are hereby authorized and empowered to employ some suitable person to resurvey said County, and to make all necessary alterations in the original lines of said County, so as to avoid constitutional objections.

SEC. 2. *Be it enacted*, That after the Commissioners

shall have made the resurvey of said County of Jones, as provided for in the first section of this act, they shall then proceed to hold elections for county officers, and organize said County of Jones as required by the act which this act is intended to amend. Hold elections.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 6, 1845.

CHAPTER XIII.

An Act to incorporate the Farmington and Fayetteville Turnpike Company.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Enoch Ensley and C. M. Patterson of Davidson county; Nathan Adams, Edward L. Jordon, Johnson Jordon Jr., William S. Webb, John Scales, Gideon Riggs, John S. Claybrook, Chesly Williams, Samuel Davidson and Samuel Davis of Williamson county; T. C. H. Miller, John H. Robeson, Jason W. Ogilvie, James Williams, Col. E. Hunter, J. B. Hunter, Col. J. Laws, Col. J. Shuffield, J. B. Shuffield Esq., John Ramsey, John Russell, Robert Williams, J. M. Lane Esq., Andrew Patterson, John Baty, Robert Johnson and James Broadaway of Marshall county; G. W. C. Edmiston, William B. Beaty, C. Smith, Samuel S. Buchanan, George Hall, James Bright, William Clark and B. W. D. Carty of Lincoln county; be, and they are hereby appointed Commissioners to open books of subscription at such time and places as they may think proper, for the purpose of receiving subscriptions of stock to be used in the construction of a Turnpike road, to commence at Hardeman's cross-roads, running from there by Riggs's roads, chapel Hill, Farmington, to the top of Elk ridge where the road from Farmington to Fayetteville crosses the same, to Fayetteville in Lincoln county. Commissioners to open books.

Sec. 2. *Be it enacted*, That the capital stock of said Company shall be an amount sufficient to build said road, not exceding one hundred and fifty thousand dollars, divided into shares of twenty-five dollars each, and as soon as two hundred shares shall be subscribed, a meeting of the Stockholders shall be called at Chapel Hill by any two or more of the Commissioners above named, of which meeting they shall give at least thirty days notice in some newspaper printed in Nashville, at which meeting the Stockholders shall elect seven directors, one of whom shall be President, and the said President and Directors, and their successors in Capital stock.

office, shall be and are hereby incorporated and made a body politic, under the name and style of the Farmington and Fayetteville Turnpike Company, and shall be entitled to the same rights, powers and privileges, and subject to the same liabilities and restrictions as the Nolensville Turnpike Company; except as they are altered by this act, and except that the State shall not be held liable for any portion of the Stock in said Company, and the President and Directors thus chosen shall continue in office two years and until the election of their successors, of which election twenty days notice shall be given by the President in some newspaper printed in Nashville. The President and Directors shall have power to open books at such times and places as they may think best for the subscription of the remainder of the Stock, and they shall also have power to make contracts for opening and constructing said road, and may from time to time require such advances upon the shares of stock subscribed, as the wants of the company may require; *Provided*, no call shall be made for more than five dollars on each share at any one time, of which twenty days notice shall be given in some newspaper printed in Nashville.

Style of the road.

SEC. 3. *Be it enacted*, That said Company shall construct said road in the same way that the Nolensville road has been made.

Commissioners.

SEC. 4. *Be it enacted*, That Enoch Ensley, Chesley Williams, John H. Robeson, R. B. Long and Benjamin Clements are hereby appointed Commissioners, any two of whom may act, to view and lay out the nearest and most practicable route for said road. If the said Commissioners should think best, they may appoint some suitable person or persons to lay out said road, for which service the Commissioners, or those appointed by them, shall receive two dollars per day, to be paid by said Company.

Toll gates.

SEC. 5. *Be it enacted*, That said Company may erect a toll gate on said road, five miles from the last gate on the Nolensville Turnpike road, so soon as the road shall be completed six miles from said gate, and shall continue to erect toll gates, and receive toll for every five miles from the last gate on the Nolensville Turnpike as each additional five miles after the first six shall be completed, and shall be allowed to charge and receive the same rates of toll allowed by the charter of the Nolensville Turnpike Company.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 5th, 1845.

CHAPTER XIV.

An act requiring Testamentary Guardians to give bond and security as other Guardians unless ordered otherwise by last will and Testament.

Guardians to give bond and security.

WHEREAS, Under existing laws Guardians appointed by deed and by last will and testament are not required to qualify and give bond and security for the faithful performance thereof, and whereas this is a case of omission which ought to be provided for, in remedy whereof:

To appear before County Ct.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all Guardians appointed by deed or by will and testament, whether heretofore appointed or hereafter to be appointed, before entering on the duties of Guardianship aforesaid, shall appear before the County Court of the county within which the Testator or maker of the deed resided and there qualify as such Guardian and give bond and security as other Guardians appointed by said County Courts are now required to give, and be subject to all the liabilities Guardians appointed by the Courts are now subject to.

Refusing to give bond and security.

SEC. 2. *Be it enacted*, That if such Guardians shall refuse to appear before the Court aforesaid and give bond and security, as aforesaid, then notice shall be given him of five days and if he refuse after such notice, the said Court shall appoint a Guardian who shall give bond and security as other Guardians now are required to give.

When exempted.

SEC. 3. *Be it enacted*, That no Guardians shall be required to give security under the provisions of this act where they are expressly exempted by the provisions of the deed or will from giving security.

Make annual settlements.

SEC. 4. *Be it enacted*, All Guardians appointed by deed or will shall be required to make their annual settlements, with the clerks of the County Courts, in the same manner, as other Guardians, and for failure thereof shall be liable to the same penalties.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 16, 1845.

CHAPTER XV.

An Act to establish the Orean Institute.

Trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. J. Trott, W. D. Gowan, Lewis Jutton, Jas. Ramsey, David M. Jarratt, W. H. Hooker, A. G. Branham, Peter Hubbard, William C. Huffman, Warner Lambeth, John M. Barnes, G. W. M'Quiddy, Henry White, C. M. Day, E. S. Polland, W. Morton, Robert March, Pleasant Manor, John P. Sledge and W. H. Wharton, are hereby constituted a body corporate and politic in deed and in law, by the name and style of the Trustees of the Orean Institute, to be located at such place as the above board of Trustees, or a majority of them may direct; and by that name may have succession, and shall be, and are hereby empowered to purchase property, receive donations, establish manufactories, hold and possess real and personal estate, not exceeding in value one hundred and fifty thousand dollars, exclusive of buildings, machinery, books and apparatus to sell, alien, demise and dispose of any part of the same, have a common seal, be capable of suing and of being sued, of defending and being defended in their corporate name, in any court either of law or equity.

Powers of Trustees.

SEC. 2. *Be it enacted*, That the said Trustees may have the power of increasing their number to twenty-four, to elect others when vacancies shall occur from resignation, removal or death, to enact such bye-laws and establish such regulations and conditions of membership as may be deemed necessary for the management and disposition of the interest and affairs of the corporate body.

Absent members to be supplanted.

SEC. 3. *Be it enacted*, That they shall have authority to meet at regular periods, and from time to time, upon their adjournment, and to declare the seat of any Trustee vacant, who shall absent himself for four regular and successive meetings after due notice, or who shall be deemed by a majority of the board to be guilty of conduct unworthy of his station.

Seven form a quorum.

SEC. 4. *Be it enacted*, That any seven Trustees lawfully convened, shall constitute a quorum to transact business, except for the election of president, treasurer and trustees, for either of which, there shall be a majority of the whole number present.

Trustees elect officers.

SEC. 5. *Be it enacted*, That they shall have power to elect a president, secretary and treasurer as above presented, to appoint all necessary agents, and define the duties of each, and to keep a public record of their proceedings.

SEC. 6. *Be it further enacted*, That they shall establish in

connexion with agriculture and the mechanic arts, Male and Female Academies, appoint competent teachers, and regulate their salaries, and prescribe the course of instructions, discipline and training to be observed in each, guaranteeing to all, as far as may be in their power, the means of self-subsistence, health, full exercise and varied occupation; in order to the vigorous growth and developement, both of the body and mind of the pupils committed to their guardianship and care.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, December 16th, 1845.

CHAPTER XVI.

An act to incorporate the Centreville Female Academy in Hickman county.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Samuel B. Moore, William G. Clagatt, A. M. Williams, Wm. H. Foster and John B. Gray be and they are hereby constituted a body corporate and politic by the name of the Trustees of the Centreville Female Academy, and shall have perpetual succession and be capable in law or otherwise to purchase, receive and hold to themselves and their successors, any lands, tenements, goods, or chattels which may be given, granted or devised to them or purchased for the use and benefit of said Academy, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper for the use and benefit of said Academy aforesaid, and the said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere. Trustees.

Sec. 2. *Be it enacted,* That the Trustees aforesaid, and their successors shall have power to hold such meetings at such times and places as they may think proper, to elect one of their number President and a Secretary and Treasurer of said Board, and to fill vacancies that may happen by death, resignation, or otherwise, but not less than a majority of said Trustees shall constitute a quorum to do business relating to the interest of said Academy. To elect officers

Sec. 3. *Be it enacted,* That said Board of Trustees shall have power to make such regulations relative to said Academy, and the Government thereof, and their own proceedings as a majority of said Board may deem right and Powers of trustees.

proper: *Provided*, they are not inconsistent with the constitution and laws of the State of Tennessee.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 7th, 1845.

CHAPTER XVII.

An Act to incorporate the town of Jackson, in the county of Madison.

Incorporation.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the town of Jackson, and the inhabitants thereof, be and they are hereby constituted a body corporate, by the name and style of the mayor and aldermen of the town of Jackson; and by the name and style aforesaid, shall have perpetual succession, and may have and use a common seal; and may, by the name and style aforesaid, sue and be sued, plead and be impleaded; may have, receive, purchase and hold property, whether real, personal or mixed; and may grant, sell and dispose of the same, for the use and benefit of the said town.

To make by-laws.

SEC. 2. The corporation aforesaid shall have full power and authority to enact all such by-laws and ordinances as may be necessary and proper to preserve the health, quiet and good order of the said town; to prevent and remove nuisances; to establish night watches and patrols; to punish breaches of good order committed within the said town; to ascertain and declare, when necessary, the old boundaries and localities of streets and alleys; to provide for the licensing, regulating and taxing auctions; to restrain and prohibit gaming; to prohibit the exhibiting of stallions and jacks within the said town; provide for the licensing, taxing and regulating theatrical and other shows and exhibitions; to pass by-laws and ordinances necessary and proper for paving the streets, alleys, and side-walks; to establish and regulate markets and inspections; to provide for the establishment and regulation of fire companies, and the sweeping of chimneys; to dig wells and to erect cisterns, and to erect pumps on the streets and public grounds; to impose and collect fines and forfeitures for breaches of the by-laws and ordinances of said corporation; to lay and collect taxes upon all property and privileges within said corporation, which are taxable by the laws of the State Tennessee, and which may hereafter be made taxable by law; to tax boling alleys, nine and ten pin alleys; and to pass all by-laws and ordinances necessary and proper to enforce the powers granted to said corpora-

tion; *Provided*, such by-laws and ordinances be not inconsistent with the constitution and laws of the United States, or the constitution and laws of the State of Tennessee.

Fines recoverable by law.

SEC. 3. All fines and forfeitures imposed by the by-laws and ordinances of the said corporation, not exceeding fifty dollars, shall be recoverable by action of debt before the mayor of said town, or any Justice of the Peace of Madison county.

Election of officers.

SEC. 4. On the first Saturday in January in each and every year, except the year one thousand eight hundred and forty-six, the sheriff of Madison county, by himself or his deputy, shall open and hold an election at the court-house in the town of Jackson, after giving ten days notice, for a mayor and six aldermen, a town constable, and a recorder of said corporation, who shall respectively hold their offices for twelve months, and until after their successors shall have been elected and qualified. On the 15th day of December, eighteen hundred and forty five, the said sheriff shall in like manner open and hold an election for persons to fill the same offices, who shall respectively continue in office until the first Saturday in January, eighteen hundred and forty-seven, and until their successors shall have been elected and qualified. And all persons living within the bounds of said corporation, and who shall have been citizens thereof for six months next preceding the day of election, and who are entitled to vote for members of the General Assembly, and who shall not, at the time of the election, be in arrears for fines, forfeitures due the corporation, shall be entitled to one vote for said mayor and aldermen, constable and recorder. And no person shall be eligible to said offices, unless he be a qualified voter in said municipal election; said election shall be opened at the hour of ten in the forenoon, and closed at the hour of four in the afternoon; and the vote shall not be counted, nor shall the ballot-box be out of the possession of the judges, before the polls are closed, and the votes counted out. Previously to opening said election, the officers holding the same shall appoint five respectable citizens of said town, who are qualified voters in said election, three of whom shall act as judges, and the remaining two as clerks of said election; all of whom shall be sworn and qualified according to the election laws of this State; and the said elections shall, in all respects, be conducted as other elections in this State, by virtue of the act passed the twenty-ninth day of December, eighteen hundred and forty-one, entitled "An act to prevent illegal voting;" and the said judges and clerks shall file the poll-books with the recorder, who shall preserve the same.

Mode of election.

SEC. 5. The persons receiving the highest number of votes, respectively, for mayor, alderman, constable and recorder, shall be declared elected; and it shall be the duty

of the officers holding said election, to make out and deliver to the recorder elect, a certificate of their elections, within three days thereafter; which certificate shall be produced at the first meeting of the board, and a minute thereof made upon the records of the corporation. And if the said sheriff shall fail to hold said election at the time herein mentioned, it shall be the duty to hold it as soon after as may be, after giving the requisite notice; and for his failure to hold the election as prescribed in the fourth section of this act, he shall forfeit and pay the sum of fifty dollars to said corporation, to be recovered by action of debt, in the name of the mayor and aldermen of the town of Jackson. And if there should be no sheriff of said county, the election shall be held by the coronor of said county, under the same rules, regulations and penalties, as are herein before prescribed.

A majority to do business.

SEC. 6. A majority of the said board of mayor and aldermen, shall be a quorum to do business; and if the mayor, constable, recorder or any alderman, should die, resign or remove out of the limits of the corporation, the vacancy shall be supplied by the board at the next meeting, or as soon thereafter as may. And the person or persons so elected, shall perform the same duties, and be vested with [the] same powers and privileges, as the persons whose vacancies they are appointed to fill; and upon like conditions, the mayor, aldermen, recorder and constable, shall respectively take an oath, before entering upon the duties of their office, to execute the same faithfully, impartially; and also, the mayor and aldermen shall each take an oath to support the Constitution of the United States and the Constitution of the State of Tennessee.

Salaries.

SEC. 7. The mayor, recorder and constable shall receive for their services an annual salary which shall be fixed by the board in each year; and the mayor and constable shall also receive such fees and commissions as justices of the peace and constables are authorized to receive for rendering judgment, service of process, and collecting monies; and the constable shall receive such other fees for other services as the board may allow him. Before entering upon the discharge of their duties the recorder and constable shall enter into bond with good security in double the supposed amount of money which may come into their hands, conditioned for the faithful performance of their duties, and for the diligent collection and faithful accounting for all monies that shall come to their hands for fines, forfeitures and other monies due said corporation, and, which ought by law to be collected and paid over by them; and the said constable shall be liable as herein mentioned for failing to return process, or pay over money collected by process issued by the mayor. Said bond shall be made payable to the mayor and aldermen of the town of Jackson and their successors in

office, for the use and benefit of said corporation; said bond shall be filed and carefully preserved among the records of said corporation.

Duties of Constables.

SEC. 8. The constable shall pay over monthly to the recorder, all sums of money recorded [received] by him for said corporation, and shall render an account semi-annually on the last Saturday in June and the last Saturday in December of each year, and as much oftener as the board of mayor and aldermen shall require, [a] full and complete statement of the finances under his control, and the said recorder shall exhibit to the board semi-annually on the last Saturday in June and December in every year, a full and complete statement of the condition of the finances of said corporation; he shall also within thirty days from the time of assessing the taxes of said corporation deliver to the constable a tax list, which shall be the authority of said constable for collecting the same, and the said recorder shall preserve a copy of the said tax list among the papers of the said corporation; no monies shall be paid out except by the recorder, and in no instance except upon the order of the mayor, made in pursuance of the directions of the board, or of such other person as the board may appoint; at the expiration of his term of office, the recorder shall deliver to his successor all books and papers belonging to the corporation and take his receipt therefor.

Jailor to keep riotous persons.

SEC. 9. It shall be the duty of the jailor of Madison county to receive, and keep, in said jail, any person who may be committed to his charge, for a breach of the by-laws and ordinances of said corporation; and all disorderly and riotous persons committed to his charge in the night time by the town constable; for which he shall receive the same fees as in other cases of imprisonment.

Board of M. & A. to convey property.

SEC. 10. In all cases where there have been conveyed by any person to the former corporation of said town of Jackson, or to the town of Jackson, any roads, streets, alleys, lots, grave-yards, or other property, the same shall enure to the use of said corporation, hereby created, and vest in it forever. And in all cases where the town of Jackson, by commissioners, or by its mayor, or board of aldermen, have heretofore sold and conveyed property, such sales and conveyances are hereby confirmed and made valid and good to the purchasers, and all of possessions held under, and by virtue of said rules and conveyances, shall be official to carry the legal title and estate in the same to persons so holding possession, and their heirs forever; and in all cases where commissioners of the town of Jackson, appointed by the General Assembly of the State of Tennessee, or the county court of Madison county, for the purpose of selling, conveying and making titles to lots, or parts of lots, in the said town, and such commissioners

have failed, or omitted to execute deeds, and make titles to such lots, or parts of lots, it shall and may be lawful for the mayor and aldermen of said town, either under their own proper hands and seals, or under the signature and seals of the Recorder, and the seal of the corporation, make and execute deeds of conveyance to the purchaser, or purchasers, their heirs and assigns, as the case may be, for such lots, or parts of lots. And such deeds so made, as aforesaid, shall be as valid and effectual to pass title to such lots, or parts of lots, as if the same had been by commissioners appointed for that purpose.

Impose taxes.

SEC. 11. Where any tax or duty shall be levied or imposed by said corporation, upon any real estate lying within said corporation, and the owner or owners, occupier or occupiers thereof, shall not pay the same, and the town constable shall make return of that fact, and that the owner, or owners, [or] occupiers have no personal property within the said corporation, upon which to distrain for the said tax or duty, it shall be the duty of the recorder to report the same to the circuit court of Madison county, at the town to which the sheriff thereof is required, by law, to report lands for the non-payment of taxes; and thereupon, it shall be the duty of said court to enter up judgment against the said real estate for taxes or duties, aforesaid, in like manner as judgments are entered for non-payment of the State and county taxes, and the same shall be sold by the sheriff, at the same time and place, and in the same manner, under the same conditions, as lands are sold upon which the State and county taxes have not been paid, which sale shall vest the title in, the purchaser, in the same manner, and upon the same conditions, as if the sale had been made for the taxes due the or State county, and the proceeds of said sale shall, immediately be paid over, by said sheriff, to the recorder, for the benefit of said corporation; and if the said sheriff shall fail to pay over all sums of money received by him, by virtue of such sale, as required by this act, said sheriff and his securities, shall, and may be proceeded against, by motion in the circuit court, of Madison county; and it shall be the duty of said court to enter up judgment for all monies so received, against the sheriff and his securities, with twelve and a half per cent. interest thereon, in favor of the said mayor and aldermen.

Boundaries

SEC. 12. The corporation of the town of Jackson shall be bounded as follows, to wit: Beginning at the junction of the Bolivar and the Tanyard roads, thence east with the south boundary of the Tanyard road to Royal street; thence in a direct line in a north-eastern direction to the southern termination of High street; thence north with the east side of said street, to the street or road leading from Jackson to Chandler's mill; thence east with south boundary thereof,

to the top of the hill, due south of the east end of an office on the premises of William T. Haskell; thence north to the stage road leading from Jackson to Huntingdon; thence west five degrees south, with the south side of said road, to a point due south to the south-east corner of Mr. Stodart's lot; thence north to a point due east of the south side of Brown's alley; thence west to a point due north of the western boundary of William F. Steel's yard; thence south to said Steel's south line; thence east to a point due north of the north-western corner of Henry W. McCorry's yard; thence south with the west side of said yard to its south-west corner; thence in a direct line to the beginning.

Liabilities of Recorder and Constable.

SEC. 13. *Be it enacted*, That if the recorder or constable of the said town shall fail or refuse to pay over any monies by either of them received for the use of said corporation, such recorder or constable, as the case may be, shall be liable to be proceeded against by motion or suit at common law, in the circuit court of Madison county, or any other circuit court having jurisdiction of the person of such recorder or constable, as the case may be, and it shall be the duty of such court to enter up judgment against such delinquent officer and his securities, for the money so received, in the name of the said mayor and aldermen, for the use of said corporation. *Provided*, That if the proceedings be by motion, such officer shall have five days notice thereof.

Fines, &c.

SEC. 14. And all fines and forfeitures imposed by the by-laws and ordinances of said corporation, exceeding fifty dollars, shall be recoverable by action of debt, in the circuit court of Madison county, in the name of the mayor and aldermen of the town of Jackson, or in the circuit court of any other county having jurisdiction of the person of defendant.

Bolivar—extension of limits.

SEC. 15. *Be it enacted*, That the corporation of the town of Bolivar in the county of Hardeman, be extended so as to include the inhabitants and property in the bounds, hereafter mentioned, to wit: Beginning at the north-west corner of the original fifty acres laid off for said town of Bolivar; from thence west about fifty poles to Edwin Polk's land; thence south with his line to the south-west corner of John H. Bill's residence lot; thence east about one hundred and forty-five poles to a point south of the south-east corner of the original limits of said town; thence west and north with the limits of said town, to the beginning; that the said limits be and the same are hereby made a part of the corporation of the town of Bolivar, with all the rights and privileges of the original corporation, and subject to all the taxation and restrictions thereof, and the public streets, lanes and alleys now passing through said land, be and remain public, under the same rules and regulations, that the streets in said town are subject.

Covington the same privileges as Jackson.

SEC. 16. *Be it further enacted*, That the town of Covington, and the inhabitants thereof, be and the same are hereby incorporated, with all the rights, powers and privileges as are conferred upon the town of Jackson, and that the election for officers of said town, shall be held by the sheriff of Tipton county, on the first Monday of January, 1846, or any day after that which may be designated by said sheriff, and forever afterwards, said election shall be held annually upon such day as may be designated by said sheriff.

Limits of Corporation unchanged.

SEC. 17. *Be it further enacted*, That the limits of said town shall be the same as have been heretofore provided by an act of the Legislature.

Repeal.

SEC. 18. *Be it further enacted*, That all laws, which come in conflict with this, so far as the same relate to the town of Covington, be and the same are hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed Dec. 16, 1845.

CHAPTER XVIII.

An Act to make good certain entries and to suppress litigation.

WHEREAS, it appears that in some instances in entering lands in the land offices south and west of the Congressional reservation line, land warrants were divided, and by the entrytakers of those offices a good many small entries were permitted to be made on large warrants, and as doubts are entertained whether entries thus made are legal—Therefore,

Old entries remain good.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all entries made upon good and valid warrants south and west of the Congressional reservation line, are hereby made as good and effectual as if there had been, at the time such entries were made, no law prohibiting the making of two or more entries on parts of the same land warrant.

Occupant claims.

SEC. 2. Where any person may be in good faith the owner or claimant of a tract of land, which appears to be regularly entered in any of the said land offices, and such entry may be void for the want of a land warrant to found it upon, or for any other reason, such person shall have the same preference of entry as the occupants south and west of the Congressional reservation line have by law; and it shall not be lawful for any other person to enter said land

until further provisions are made by the Legislature of Tennessee.

Boundaries of land.

SEC. 3. *Be it enacted*, That the owner of any tract of land by deed, grant, or entry, whose beginning corner or commencement to run for said corner may have been upon any of the entries afterwards made void in accordance with the former laws of this State, so that said beginning corner or commencement cannot now be found, may apply to the surveyor of the county in which his said land is situated, whose duty it shall be to survey said tract or entry, so owned as aforesaid, according to the original calls of its boundaries, by beginning on some contiguous well known tract or entry, and make out a correct plat and certificate of the same under the provisions of this act, and shall state in the same the date and number of the original entry, as well as the date and number of said entry so made void, when the same can be done; for which the surveyor shall receive the same fees as in other cases, and said plat and certificate shall be received by the entry-taker of the county, and entered as in other cases; and when so entered, shall relate to the date of the original entry and survey: *Provided*, said person so applying shall satisfy the surveyor that said tract or entry falls within the provisions of this act, *And provided further*, that the rights of others shall not be prejudiced thereby.

Act of 1843 not repealed.

SEC. 4. *Be it enacted*, That this act shall not be so construed as to conflict with, impair or extend to the provisions of the 29th and 30th sections of an act passed the 11th day of January, 1843, chapter 34; but the same shall continue in full force and effect, as though this act had not been passed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 18, 1845.

CHAPTER XIX.

An Act to declare Elections void in certain cases.

Elections void.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, when any person may be elected to any office, either of profit or trust, in this State, whose election shall be declared to be null and void, under the laws of the State, by reason of any constitutional disqualification, or any statutory provision, the candidate receiving the next highest number of votes in said election shall not

succeed to said office, but the election shall be deemed and taken as void, as though no such election had taken place.

County courts to determine Elections.

SEC. 2. *Be it enacted*, That the county courts of this State shall have power to determine the elections of clerks of county courts, sheriffs, county register, county trustee, coroners, and constables void under the provisions of the first section of this act; and in such cases to appoint a clerk, sheriff, county register, county trustee, Coroner or constable, who may hold said office until the next county election, and until some person is elected and qualified to fill said office.

Circuit courts to fill offices made void.

SEC. 3. *Be it enacted*, That the circuit courts of this State shall have power to declare elections of clerks of the circuit courts void under the provisions of the first section of this act; and in such cases to appoint a clerk for said court, under the same rules and regulations as is provided by law, in cases where the clerks of the circuit courts die or resign.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 15, 1845.

CHAPTER XX.

An Act to declare a dam built by the Holston River Commissioners a nuisance.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Sullivan county, be required and authorized to appoint a jury of twelve men to examine and report—two-thirds of said jury agreeing—if the dam built in the river Holston, by authority of the commissioners of said river, near the lower end of the long island, and above the town of Kingsport, in said county, be or be not a nuisance.

SEC. 2. *Be it further enacted*, That if said jury shall represent said dam a nuisance, the said county court may order its abatement as such.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 15, 1845.

CHAPTER XXI.

An Act to change the times of holding the several circuit courts in the 11th judicial circuit, and to establish a chancery court in the city of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several circuit courts of the counties composing the 11th judicial circuit, be hereafter holden as follows, to wit: The circuit courts of the county of Shelby, on the first Mondays in January, May and September, in each and every year—the circuit courts of Tipton county, on the first Mondays in February, June and October, in each and every year—the circuit courts of Fayette county, on the second Mondays in February, June and October, in each and every year—the circuit courts of the county of Hardeman, on the fourth Mondays in February, June and October, in each and every year. *Provided*, That the first courts to be holden in each of the aforesaid counties after the passage of this act, shall be holden at the times heretofore provided by law; and that all subsequent terms thereof, shall be holden at the times hereinbefore prescribed, any thing in this act to the contrary notwithstanding. 11th Judicial Circuit.

SEC. 2. *Be it further enacted*, That all process issued from the first succeeding terms of said several courts after the passage of this act, shall be made returnable in accordance with the provisions of the first section of this act.

SEC. 3. *Be it enacted*, That the counties of Shelby and Tipton shall hereafter constitute a separate chancery district; and there shall be holden by the Chancellor of the Western Division of the State in the city of Memphis, on the 4th Mondays of May and November, in each and every year, a chancery court, having jurisdiction of all chancery causes arising in either of said counties of Tipton or Shelby. *Provided*, That the citizens of Tipton county, shall have the privilege of instituting all such causes as may arise in their county, either in the chancery court at Brownsville, or in that established by this act in the city of Memphis.—*Provided, further*, That the litigants in all causes now pending in the chancery court at Sommerville, which may have arisen in either of the said counties of Tipton or Shelby, may, by consent, have all such causes transferred to the chancery court at Memphis. Chancery district.

SEC. 4. *Be it enacted*, That it shall be the duty of the Chancellor of the Western Division of this State, to hold said court, appoint a clerk and master under the same rules of the other chancery courts of this State. Appointment of Clerk.

SEC. 5. *Be it enacted*, That the criminal court of Shelby county, shall hereafter be holden in the city of Memphis, on the first Mondays in March, July and November, in each Criminal court.

showing the amount of tolls received during each month or quarter, since the last settlement with the company, and it shall further be the duty of each company to pay over to said commissioner, the dividends due the State, which shall as soon as received, be by said commissioner upon the warrant of the Comptroller paid to the State Treasurer, who shall give duplicate receipts, one of which said commissioner shall file in the office of the Comptroller.

Failure to settle.

SEC. 5. *Be it enacted*, That if any company shall fail or refuse to settle and pay over to said commissioner, as provided by this act, he shall give notice of such refusal to the Attorney General of the State, who shall cause suits to be instituted against such delinquent company or companies.

SEC. 6. *Be it enacted*, That the said commissioner shall strictly examine the expenditures made by said companies for repairs, improvements and salaries, and if he is of the opinion that they are extravagant, he shall protest against the same, and report the facts of each case to the board of Internal Improvements.

Salary.

SEC. 7. *Be it enacted*, That said commissioner shall receive for his services for the first year, the sum of seven hundred and fifty dollars, and thereafter five hundred dollars annually, to be paid semi-annually, upon the warrant of the Comptroller.

Report on settlement.

SEC. 8. *Be it enacted*, That said commissioner shall report to the General Assembly, the manner in which he has discharged the trust hereby confided to him, and shall file semi-annually in the office of the Comptroller of the Treasury, a statement of the settlement made with each company with which he has effected a settlement, and also furnish a list of such companies as have failed or refused to make settlement, and the reasons of such failure or refusal; *Provided*, that no settlement made by the Secretary of State as aforesaid, shall bind the State until it is confirmed by the board of Internal Improvement.

Suit in chancery

SEC. 9. *Be it enacted*, That suits under this act may be commenced in any chancery in this State, and if it be necessary to bring individual stockholders before the court, it shall not be necessary to serve all the said stockholders with process; but it shall be sufficient, by the passage of this act, to make them parties, by service on the Corporation, and due publication in a newspaper or newspapers ordered by the Chancellor, and thereupon judgment may be rendered against the stockholders, the facts justifying such decree being fully made out to the satisfaction of such Chancellor.

Sec of State to give bond.

SEC. 10. *Be it enacted*, That the Secretary of State, before he enters upon the discharge of the duties imposed upon him according to the provisions of this act, shall first execute a bond with good and sufficient security to the Governor of the State in the sum of twenty thousand dollars,

conditioned to account faithfully for all monies which may come to his hands, and pay over the same as provided for in this act.

Commissioner to compromise.

SEC. 11. *Be it enacted*, That the said commissioner shall be and he is hereby invested with power and authority to compromise all matters at variance between the State and such internal improvement companies as have not concluded settlements with the internal improvement commissioners appointed by the twenty-fifth General Assembly, and to receive from such companies any monies or other personal assets or relinquishment of their interest in the roads, or any real estate owned by said companies, and hold and dispose of such money, personal assets, or real estate for the benefit of the State. *Provided*, Such settlements or compromises shall not bind the State until approved by the internal improvement board. And in all cases where no settlement or compromise can be made by him with any such company, and he may believe that the interest of the State would be promoted by such a course, he shall have the power, and it shall be his duty to direct the Attorney General of the State to bring suit for the purpose of securing and protecting the State's interest so far as it can be done. *Provided*, That nothing in this act contained shall effect any suit pending between the State and any internal improvement company, and that the assent of the counsel for the State shall first be had before any compromise shall be made with any such internal improvement company.

Powers of Commissioner.

SEC. 12. *Be it enacted*, That said commissioner shall have power, at all times, to propound to the several internal improvement companies interrogatories touching their condition, to which said companies shall render clear and explicit answers. And said commissioner shall have power to examine persons upon oath, where he may deem it necessary, to enable him to ascertain the condition of the affairs of any such company.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 26, 1846.

CHAPTER XXIV.

An Act to settle and adjust the claims due by the State to several Internal the Improvement Companies therein named, and for other purposes.

Governor to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor be and he is hereby authorized to issue bonds of the State to the following companies, and for the sums severally annexed to their names, viz: to the Franklin and Columbia Turnpike company, four thousand nine hundred dollars. To the Lebanon and Nashville Turnpike company, six thousand dollars: *Provided*, that the first named company previously pay into the Treasury all arrears of dividends on the State Stock in said company up to the first day of January, 1846, and that each of said companies bind themselves in writing to receive said bonds in full satisfaction of all claims against the State, and to pay over at the times and in the manner heretofore directed by law, the dividends which may accrue (after said first day of January, 1846) on the State Stock in said companies respectively.

Approval of board binding.

SEC. 2. *Be it enacted*, That the Board of Internal Improvement, in connection with the Attorney General, examine the contract and agreement entered into between Robert W. Powell, chairman, &c., and the Nashville, Murfreesborough and Shelbyville Turnpike company, and if they approve of said contract and agreement, it shall, upon their endorsement thereon to that effect, be binding upon the State and said company.

SEC. 3. *Be it enacted*, That said Board and Attorney General examine into the affairs of the Gallatin Turnpike company and the Nolensville Turnpike company, and if, in their opinion, said companies or either of them are justly and equitably entitled to an additional amount of State Bonds, they shall certify said amount to the Governor, who is thereupon authorized to issue said Bonds on condition that said companies bind themselves in the manner prescribed in the first section of this act.

Dividends applied to purchase bonds.

SEC. 4. *Be it enacted*, That the dividends received from said companies respectively, shall be applied by the Comptroller of the Treasury to the purchase of outstanding bonds of the State, until the Bonds so purchased shall equal in amount to the Bonds issued in conformity with this act, said Bonds to be delivered over to the Secretary of State and by him destroyed in the presence of the Governor.

Former settlements confirmed

SEC. 5. *Be it enacted*, That the settlements made with the Internal Improvement companies by the committee appointed for that purpose by the last Legislature, except as otherwise directed in this act, are hereby ratified and con-

firmed, and shall hereafter be the basis of all future settlements to be made with said companies.

Commissioner when commence

SEC. 6. *Be it enacted*, That the act passed at the present session, making the Secretary of State Internal Improvement commissioner, be so amended as to take effect from and after its passage, so as to enable said commissioner to conclude settlements at any time, and that the papers containing the settlements made by the committee appointed by the 25th General Assembly be transferred from the office of the Comptroller to the office of the Secretary of State.

Examine claims.

SEC. 7. *Be it enacted*, That the Internal Improvement Board examine the claim of the Lebanon and Sparta Turnpike company against the State, and shall have power to direct the Governor to issue to said company in satisfaction of said claim such amount of bonds as said Board may believe equitably due to said company: *Provided*, that said company, before receiving said bonds, shall execute to the State an obligation to pay to the State semi-annually one half of the nett proceeds of their road from and after the 1st of January, 1846.

Conflict of stockholders and State.

SEC. 8. *Be it enacted*, That in all cases where a corporation exists in which the State and individuals are corporators, and a conflict exists as to the relative extent of the liabilities of the State and the individual Stockholders, or where any bill shall be filed by the Attorney General of the State, under the act of 1839–40, chap. 1st, or where a judgment has been rendered against any such corporation in favor of a creditor and an execution has been returned unsatisfied, a court of chancery shall have jurisdiction on bill filed on behalf of the State by the Attorney General of the State, to ascertain the creditors of such corporation and the amounts of their claims respectively, and to ascertain the property and effects of such corporation, and subject the same to the satisfaction of such claims as may be proven before the court, and shall also have jurisdiction to ascertain who are the stockholders in such corporation, the amount of their several subscriptions, and the sums remaining unpaid thereupon, according to the obligations contracted by them severally, and to decree a *pro rata*, contribution against such individual stockholders to the extent of their several subscriptions remaining unpaid, if necessary, to satisfy the demands of the State, and the demands of such creditors, and enforce such contribution by execution as against the individual stockholders. *Provided*, Nothing in this section shall be so construed as to destroy any prior lien which the State now has by existing laws, or may have over all other creditors. In all cases where the stockholders of any corporation are necessary parties to a bill filed against the corporation, after due and legal service on the corpora-

tion, personal service shall not be necessary, but they may be made parties by publication in one or more newspapers by the direction of the Chancellor. In all cases creditors may be made parties complainants jointly with the State upon application to the court by motion or petition, with the approbation of the court, and upon such terms as the court may direct. Suits under this act, may be prosecuted by the Attorney General of the State on behalf of the State in any chancery court of the State.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 29, 1846.

CHAPTER XXV.

An Act to establish the county of Crockett in honor of and to perpetuate the memory of David Crockett, one of Tennessee's distinguished sons.

New County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a new county be, and the same is hereby established, to be composed of fractions taken from the counties of Haywood, Madison, Gibson and Dyer, to be known and designated by the name of Crockett county, in honor of, and to perpetuate the memory of David Crockett, one of Tennessee's distinguished sons.

Boundaries.

SEC. 2. *Be it enacted,* That the county of Crockett shall be bounded as follows, to wit:—beginning at the mouth of the little North Fork of Forked Deer river, runs thence south 41 deg. west, crossing the road leading from Jackson to Dyersburg at 7 miles and 20 poles, and at a point ten and a half miles from said Dyersburg by way of said road, and crossing the road leading from said Dyersburg to Chestnut Bluff, at eleven miles and thirty poles, eleven and a half miles from Dyersburg, in all twelve miles to the South Fork of Forked Deer river, two and a half miles below the Chestnut Bluff turnpike bridge, by river measurement; thence up the South Fork of Forked Deer river, with the various courses thereof, fifty-one miles to a point one hundred and sixty poles above mile mark No. 22, and at a point twenty-one and a half miles below Jackson by the river measurement; thence north 41 degrees east, crossing the road leading from Jackson to Cherryville at the twelve mile post from Jackson, and crossing the Dyersburg road twenty poles west of the twelve mile post, in all ten and a half miles to the Middle Fork of Forked Deer river;

thence down the same with the various courses thereof to the beginning.

Commissioners.

Sec. 3. *Be it enacted*, That for the purpose of organizing the county of Crockett, Isaac M. Johnson, David Whitaker, Joel Nunn, Willis L. Rives, Kinchen Hathaway, Isaac H. Mason, Alfred T. Fielder and Noah Perry shall be, and they are hereby appointed commissioners on the part of the several fractions in which they reside, who shall, before entering on the discharge of their duties, take an oath before some justice of the peace, faithfully and impartially to discharge all the duties incumbent on them in this act, and in all cases of vacancies that may occur among said commissioners previous to the organization of the county court of said county of Crockett, the same shall be filled by the other commissioners, and all vacancies occurring after the organization of such courts, the vacancies so occurring shall be filled by said court of said county of Crockett. The said commissioners shall enter into bond with good security, to be approved by the county court of Crockett, and payable to the chairman thereof, in the sum of five thousand dollars, conditioned for the faithful performance of their duties. A majority of said commissioners shall constitute a board competent to do all things herein enjoined on them—they shall keep a regular record of all their proceedings as commissioners, which shall be returned to the county court of Crockett, at its first session, and the same shall be recorded by the clerk thereof, on the records of said court; and they shall make such returns, after the organization of said court, as shall be directed thereby.

Election.

Sec. 4. *Be it enacted*, That it shall be the duty of said commissioners, first giving ten days notice in one public place or more, of the time and places, to open and hold an election in one place or more, in each of the fractions proposed to be stricken off, from the counties of Haywood, Madison, Gibson and Dyer, on the 15th day of March next, in order to ascertain whether a majority of the voters residing in said fractions are in favor of or opposed to the formation of the said county of Crockett, and all persons qualified to vote for members of the General Assembly, residing in said fraction, shall be entitled to vote in said election, and each voter who is in favor of the formation of the new county shall have on his ticket "new county," and each voter opposed to the formation of said county of Crockett shall have on his ticket "old county:" and if, after counting the votes cast in said election, it shall appear that there are a majority of the legal voters in said fractions in favor of the new county, then, and in that case, the county of Crockett shall be, and is hereby declared a county with all the powers, privileges and advantages, and subject to all the liabilities and duties with other counties in the State.

SEC. 5. *Be it enacted*, If, from any cause, said election should not be held in said fractions, as required in the foregoing section, on the day set apart for such election, or should there be any fraudulent influence used in said election, it shall be lawful, at the option of said commissioners, to give notice again and hold said election as intended on the previous day, and said commissioners shall have full power to make all necessary investigation, and prevent any improper influence in the second election.

County Court. SEC. 6. *Be it enacted*, For the due administration of justice, the different courts to be holden for said county of Crockett shall be held at the house of Isaac M. Johnson, until the seat of justice of said county, shall be located. The county courts shall, in the intermediate time, have full power to adjourn the courts to such other place in said county as they may deem better suited for the holding of the same and for public convenience, and to adjourn to the seat of justice when in their judgments the necessary arrangements are made; and all writs and other process issuing from any of said courts, returnable to either place, shall and may be returnable to the place where said courts may have been removed by the county courts aforesaid; and the courts for the county of Crockett shall be under the same rules, regulations and restrictions—shall have, hold, exercise, and possess the same powers and jurisdiction as prescribed by law for holding courts in other counties. Said county shall be Circuit Court. attached to the tenth judicial circuit, and the circuit courts shall be held by the judge of said circuit, on the last Mondays of January, May and September, in each and every year, and the citizens of said county may file bills in chancery, Chancery. in either of the chancery courts held at Trenton or Browns ville, at their option.

SEC. 7. *Be it enacted*, That all officers, civil or military, County Officers. now holding offices in said county, shall continue to hold their offices and exercise all the powers and functions thereof, until others are elected according to law, and the courts of Crockett shall, at their first regular session, elect their officers for the unexpired portion of the year 1846; and ever after that their elections shall be made on the same day and in the same manner as in other counties of the State: *Provided*, that nothing in this act contained shall deprive the counties from which the fractions have been taken, from having, exercising and holding jurisdiction over the county of Crockett and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers takes place according to law: *Provided, also*, nothing herein contained shall prevent the above named counties from entering up judgments, or the sheriffs of said counties from selling under such judgments, any lands within the bounds of said county of Crockett, for taxes,

costs and charges, until the county of Crockett is organized.

Commissioner to hold election

SEC. 8. *Be it enacted*, That the commissioners appointed by this act, shall appoint such person as they may think proper to open and hold the election for county officers for the said county of Crockett, and such person so appointed shall have power to appoint deputies, clerks and judges, and by himself and deputies to administer all the necessary oaths, and do and perform all other duties now made the duty of sheriffs, or other officers holding similar elections; and it shall be the duty of such persons so appointed, together with his deputies to open and hold an election for county officers, on the first Saturday in April, 1846; which election shall be held in each civil district in said county, and the officers so elected shall hold their offices until the next regular election for county officers in other counties in the State.

Vote with old counties

SEC. 9. *Be it enacted*, That the citizens of Crockett county, in all elections for Governor, members of the General Assembly, representatives in Congress, and electors for President and Vice President, shall vote with the counties from which they have been respectively stricken off until the next apportionment, agreeably to the provisions of the 5th section of the 11th article of the Constitution.

County seat.

SEC. 10. *Be it enacted*, That it shall be the duty of the above mentioned commissioners, as soon as convenient after the organization of said county of Crockett, to select and procure by purchase or otherwise, a suitable site for the seat of justice of said county of Crockett, having a due regard for the convenience and wishes of a majority of the legal voters of said county of Crockett; and the said commissioners, having caused a deed to be made to them and their successors in office with general warranty, for a sufficient quantity of land including the site so selected, shall cause a town to be laid off thereon, with such number of streets and allies, and of such width as they may deem necessary, reserving a sufficient quantity of land for a public square. Said commissioners shall select and reserve from sale one lot, on which to erect a public jail of said county of Crockett, and said town, so soon as laid off, shall receive such name as the above mentioned commissioners may give it: *Provided*, that said commissioners shall nominate not exceeding two sites for said seat of justice, which places, shall, in no event, be further from the centre of said county than three miles, which places shall be voted for by the legal voters of said county of Crockett, and the site receiving the greatest number of votes shall be, and is hereby declared, the seat of justice of said county.

Sale of lots.

SEC. 11. *Be it enacted*, That the commissioners of said county shall sell the lots in said town on a credit of twelve

months, first giving due notice thereof, in the public journals, and shall take bond with good and sufficient security from the purchaser or purchasers of said lots, payable to themselves and their successors in office, and shall make title in fee simple, as commissioners, to the respective purchasers of said lots when the same are paid for.

Public buildings.

SEC. 12. *Be it enacted*, That the proceeds of the sales of the lots in said town, shall be a fund in the hands of said commissioners, with which to defray the necessary expenses incurred in the purchase of said tract of land on which to erect said town; as well as the necessary expenses incurred in erecting the public buildings of said town, and should there be a surplus after defraying the above mentioned expenses, it shall be the duty of said commissioners to pay over the same to the Trustee of said county, to be accounted for by him as other funds in his hands. And it shall be the further duty of said commissioners to superintend the erection of such public buildings, as the county court of said county may direct to be built, and shall let the same out, and shall take bond from the undertakers with ample security, payable to themselves and their successors, conditioned for the faithful performance of his or their contracts.

Civil districts.

SEC. 13. *Be it enacted*, That said commissioners shall have power, and it shall be their duty to appoint five suitable and qualified individuals to divide said county into civil districts, and designate the places for holding elections in said districts, and perform all the duties relative thereunto which by the laws of the State such commissioners are required to do.

Militia.

SEC. 14. *Be it enacted*, That the county of Crockett shall form one regiment, which shall be known and designated as the 132d regiment, and shall be attached to the 19th brigade. The militia officer or officers highest in command, included in said county of Crockett, shall at such time and place as he or they may designate, call all the commissioned officers together, and such of them as shall attend are hereby authorized and empowered to lay off said county into battallions and companies, and provide for holding elections for the purpose of electing all officers in said regiment in the manner prescribed by law.

Boundaries to be constitutional.

SEC. 15. *Be it enacted*, That in case the boundary lines of Crockett county, as above described, approach nearer the county seat of any of the old counties than is provided for in the constitution, then and in that case, it shall be the duty of said commissioners to appoint some surveyor to rerun and re-mark said boundary line of said county of Crockett, so as not to violate the constitutional right of said old county, and said surveyor shall make a report to the county court of Crockett, which report shall be recorded by the

clerk of said court, and such line so run shall be the established line of said county.

SEC. 16. *Be it enacted*, That the commissioners of Crockett county be and they are hereby authorized to exercise all the powers conferred in this act, and such further powers as may be necessary and proper to the complete organization of said county. Powers of Commissioners.

SEC. 17. *Be it enacted*, That in case said county of Crockett, is re-surveyed in accordance with the 15th section of this act, it shall contain at least three hundred and fifty square miles.

SEC. 18. *Be it enacted*, That an Academy is hereby established at the county seat of said new county of Crockett, with all the rights and emoluments of other county Academies of the State, and the county court shall appoint Trustees, as in other counties, and shall name the same. Academy.

SEC. 19. *Be it enacted*, That this act shall not take effect before the 14th March, 1846.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 20, 1845.

CHAPTER XXVI.

An Act to authorize the building a Bridge at or near the junction of Broad and Water streets, in the city of Nashville, across the Cumberland River.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That John Shelby, John M. Hill, Anthony W. Johnson, John Yeatman, John Bell, Henry T. Yeatman, Felix K. Zollicoffer, and George W. Martin, be, and they are hereby authorized, to open books for the purpose of receiving subscriptions for stock to build a bridge, at or near the junction of Broad and Water streets, in the vicinity of the Rolling Mill, across the Cumberland river, in the city of Nashville, Davidson county, at the mouth of Tan-yard branch; *Provided*, the Company erect a suspension bridge, of sufficient height as not to obstruct the navigation of the Cumberland; then they may have the power of fixing the location of said bridge at any other point on the river, above the present bridge. Books opened.

SEC. 2. *Be it further enacted*, That the stock in said Bridge company shall be divided into and taken by shares, of fifty dollars each—no person being restricted to any particular quantity of said stock. And so soon as fifty thousand dollars of said stock in said bridge is subscribed for, Organization.

the persons having subscribed for the same may, and they are hereby fully authorized to hold a meeting or meetings, and organize themselves into a company, to be called the Broad Street Bridge Company, and to elect such officers as they may deem important for their government and control, under such rules and regulations as they may adopt; and when the sum of fifty thousand dollars is subscribed for, as aforesaid, said stockholders, or their officers aforesaid, by them elected, may proceed to employ such persons as they may choose, to superintend the construction and erection of said bridge, under such rules and regulations as said company may adopt and direct.

Name and powers of company.

SEC. 3. *Be it further enacted*, That when the said sum of fifty thousand dollars shall have been taken as aforesaid, and the stockholders shall have elected their officers as aforesaid, that said company shall be known and designated by the name and style of the Broad Street Bridge Company; and as such, may sue and be sued, plead and be impleaded; and as such company shall have succession for two hundred years as a body politic, they may pass by-laws for the government and control of said company, and do all acts and things necessary and proper for the purpose of carrying into effect the intent and meaning of this act; so that the same are not contrary to the constitution and laws of this State, or of the United States of America.

Election of officers.

SEC. 4. *Be it further enacted*, That so soon as the sum of fifty thousand dollars shall be taken in said company, that that fact shall be made known by advertisement in some newspaper printed in Nashville; and that the stockholders thereof shall, within sixty days thereafter, elect their officers, to wit: A President, twelve Directors, a Treasurer, and such other officers as they may choose for their government and control; in which election each stockholder shall be entitled to cast one vote for each share of fifty dollars he may own in said company; said officers to be elected for one year, and until their successors are elected and qualified; the term of service of all the officers of said company to be limited to one year, in all cases.

When to be commenced and finished.

SEC. 5. *Be it further enacted*, That said company, so organized as aforesaid, shall begin the building of said bridge within one year from and after the adjournment of this General Assembly, and that the same shall be completed by the first day of January, 1850; otherwise this act to be void and of no effect.

Incorporation.

SEC. 6. *Be it further enacted*, That the said company be, and it is hereby incorporated and declared to be a body politic, and each member thereof, and as such, may sue and be sued, plead and be impleaded, and have and do all other acts and things that the Nashville Bridge Company can, by virtue of the provisions of the act creating said com-

pany, and all the various amendments thereto; and that said company be governed by the provisions of said act, creating said Nashville Bridge Company, so far as the repair of said bridge is concerned, and the buying and selling and transferring stock in said company.

By-Laws.

SEC. 7. *Be it further enacted*, That said company, when organized as aforesaid, shall keep a record of their by-laws, which shall be subject to the inspection of the stockholders of said company; that they have power to pass by-laws authorizing stockholders to vote by proxy or otherwise, in the same manner that the Nashville Bridge Company now have power to do.

Navigation not to be obstructed.

SEC. 8. *Be it further enacted*, That said company may buy or receive, by gift or otherwise, any grounds, banks or abutments, of the Cumberland river, on which to build said bridge; *Provided*, the erection or location of said bridge does not prevent the free navigation of the Cumberland river, in any way whatever.

Tolls.

SEC. 9. *Be it further enacted*, That when said bridge shall have been completed, and ready for the travelling community to pass over, that then and in that case, said company may open gates across the same, and receive tolls for crossing the same, as herein prescribed; said company to have perpetual succession as a corporate body.

Rates of Tolls.

SEC. 10. *Be it further enacted*, That said company shall receive the following tolls, to wit:

Footmen free;

Man and horse, 5 cents;

For any additional horse, 2½ cents;

For each head of cattle, in droves, 2½ cents;

Do. do sheep and hogs, 1 cent.

For wagon, two horses, mules or oxen, 20 cents, for three do. 30 cents; for four do. 40 cents; for five do. 40 cents; for six do. 50 cents.

For cart and one horse, 10 cents; for two do. 15 cents; for three do. 20 cents; for four or five do. 25 cents; for six do. 30 cents.

For any four wheel two horse pleasure carriage, 25 cents; for three horse do. do. 30 cents;

For four wheel four horse pleasure carriage, 75 cents; two wheel two horse do. 10 cents; for one do. 20 cents.

For turkeys or any other kind of fowls, 10 cents per hundred.

For four wheel one horse pleasure carriage, 15 cents.

SEC. 11. *Be it further enacted*, That this act take effect from and after its passage.

Turnpike Road.

SEC. 12. *Be it further enacted*, That said bridge company have power and authority to construct a turnpike road, from the eastern end of said bridge, on the eastern bank of Cumberland river, so as to intersect the Gallatin

turnpike road at such point as they may choose, so that said Broad Street Bridge turnpike does not intersect the said Gallatin road east of the first gate on said road; said piece of road to be of the same width and quality of said Gallatin turnpike road.

Repeal.

SEC. 13. *Be it further enacted*, That all laws and parts of laws heretofore passed, authorizing the erection of a bridge at the place mentioned in this act, be and the same are hereby repealed; and that this act take effect from and after the passage of the same.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, December 17th, 1845.

CHAPTER XXVII.

An Act to alter the times of holding the Courts in the Thirteenth Circuit.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter the circuit courts in the county of Lincoln shall be holden on the second Mondays in February, June and October; The circuit courts for the county of Warren, on the third Mondays in January, May and September; and the circuit courts for the county of Grundy, on the third Mondays of April, August and December. *Provided, however*, That the next terms of all of said courts, (after the passage of this act,) shall be holden at the times heretofore designated by law; after which said first terms, the courts in all of said counties shall be holden as herein above appointed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 22, 1845.

CHAPTER XXVIII.

An Act to change the times of holding the Courts in Woodbury in Cannon county

Circuit Court—when held.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit court for Cannon county, shall be hereafter held on the second Mondays of February, June and October.

Issuance of process.

SEC. 2. *Be it enacted*, That all process heretofore issued, or which may be issued hereafter from said courts, returnable to the terms of said courts, heretofore filed by law, be and the same is hereby made returnable to the courts as herein fixed.

Recognizances.

SEC. 3. *Be it enacted*, That the clerk of said court shall open the court at the first term, to be held under the law now regulating the same, and adjourn the same from day to day until State's day, and renew the recognizances of all defendants, charged with any crime or misdemeanor, and recognized to appear at such time; and said clerk shall take recognizances from all such defendants with sureties, as now required by law, to appear at the first term to be held under this act; and in the event such defendant or defendants shall fail to appear when called, said clerk shall enter a conditional forfeiture, and issue writs of *scire facias* against him or them, and their securities, and also writs of *respondendum*, to take the bodies of such defendants, so failing to appear, to have them forthcoming at the first term to be held under this act as in other cases.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 22, 1845.

CHAPTER XXIX.

An Act to authorize Scott Terry and Thomas Gardner, of Bledsoe county, to open a Turnpike Road.

To open road

Be it enacted by the General Assembly of the State of Tennessee, That Scott Terry and Thomas Gardner, of the county of Bledsoe, are hereby constituted a body politic and corporate, for the purpose herein specified: and they are hereby authorized to open and cut out a turnpike road, commencing at a point on the turnpike road leading from Pikeville to McMinnville, at or near John Fleming's, in Van Buren county; thence the nearest and most practicable route in the direction of Kingston, in Roane county, so as to intersect the road from Sparta to Kingston, near Charles Lowry's, or to intersect George Gordon's turnpike road at or near George Dawson's, on Cumberland Mountain; and they shall have the same powers and privileges, and be subject to the same restrictions imposed upon Josiah M. Anderson and George W. Williams, by an act of the General Assembly of the State of Tennessee, passed January 23d, 1840, entitled "an act to authorize Josiah M. Anderson, of Marion

county, and George W. Williams, of Hamilton county, to open a turnpike road.

Commissioners to view. SEC. 2. *Be it enacted*, That Peter Hoodenpyle, of Bledsoe county, and David Walling of Van Buren county, are hereby appointed commissioners to view said road when completed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 22, 1845.

CHAPTER XXX.

An Act to incorporate the town of Springfield, and the inhabitants thereof, in Robertson County.

Incorporation. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Springfield, and the inhabitants thereof, be and they are hereby declared to be a body politic, with perpetual succession as such; and that said incorporation be authorized to sue and be sued, plead and be impleaded, by the name of the Mayor and Aldermen of the town of Springfield; and that they by that name be authorized and empowered to receive property, real, personal or mixed, by deed, will or gift, or otherwise, and that they have full power and authority to sell and convey the same, by deed or otherwise, for the use of the corporation aforesaid, under such rules and regulations as they may make, so that the same are not inconsistent with the laws of this State. That said corporation may have and use a corporate seal, to be called the seal of the corporation of Springfield.

By-laws. SEC. 2. *Be it enacted*, That said corporation have power to pass by-laws, a majority of the aldermen, together with the mayor, being present, for the preservation of the health of said town; for the removal of nuisances; for the improvement of streets and public square of said town: also, to levy a tax or taxes on the persons, property and privileges in the corporation of said town, and to pass by-laws for the purpose of carrying into effect the intent and meaning of this act, and the provisions thereof, so that the same are not contrary to the constitution and laws of this State. And that said corporation, by the mayor and aldermen thereof, have power to pass all laws and ordinances necessary and proper for the purpose of carrying into effect this act, as is common to other corporations.

Officers. SEC. 3. *Be it enacted*, That the officers of said corpora-

tion shall consist of a mayor, six aldermen, constable, a treasurer and recorder, to be elected by the persons living in the corporation of said town, who now by law are entitled to vote for governor, members of the legislature, &c. Said officers to hold their offices for the term of one year from the time of their induction into office, and until their successors are elected and qualified.

Constable's bond.

SEC. 4. *Be it enacted*, That the constable of said corporation shall, upon his going into office, give bond with security, to be approved by the mayor and aldermen, in an amount to be fixed by them, which bond shall be conditioned, to collect and safely keep and pay over all monies due and owing to said corporation, and to faithfully execute all such process as may be placed in his hands. Said bond to be made payable to the trustee of Robertson county, and his successors in office; and for any breach or neglect of duty, said constable shall be liable on his said bond, by motion, as constables now are by law in other cases, which motion shall be before any justice of the peace having jurisdiction of the same in the name of the mayor of said corporation, for the use of said corporation.

Treasurer.

SEC. 5. *Be it enacted*, That the treasurer of said corporation shall, upon his going into office, give bond and security, conditioned, that he faithfully keep the taxes and revenue of said corporation, and pay the same over according to the laws of said corporation; which bond shall be made payable to the trustee of the county of Robertson, in the same manner as the bond of the constable of said corporation; and for any breach of, or neglect of duty, said treasurer shall be liable in like manner with the constable of said corporation, or in such manner as said corporation may direct by the by-laws. *Provided always*, That any officer of said corporation, against whom any judgment may be rendered, shall have the right of appeal as in other cases of appeals.

Oath of officers.

SEC. 6. *Be it enacted*, That the mayor and aldermen, constable, treasurer and recorder of said corporation, shall upon going into office respectively take the following oath before some justice of the peace of Robertson county—"(I) do solemnly swear, that I will well and truly discharge the duties of the office of for and during my continuance in office—So help me God." Which said oath shall be reduced to writing, and filed in the office of the justice before whom the same is made, signed by the party making the same.

Fees.

SEC. 7. *Be it enacted*, That the constable and treasurer of said corporation be allowed such fees, for their services, as the board of mayor and aldermen of said corporation may fix.

Suits.

SEC. 8. *Be it enacted*, That all suits in favor of or against

said corporation shall be in the name of the mayor and aldermen of the corporation of Springfield. And service of any process on the mayor of said corporation, shall be sufficient to compel the appearance of said corporation as a body politic.

Election. SEC. 9. *Be it enacted*, That the sheriff of Robertson county shall, on the second Saturday in January next, and on the second Saturday in January, in each and every year thereafter, open and hold an election, at the court house in the town of Springfield, for the purpose of electing the officers of said corporation; the result of which election shall be certified by such sheriff, and lodged in the office of the county court clerk, who shall receive and safely keep the same. And for a failure to hold such election, said sheriff shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, before any justice of the peace of Robertson county, in the name of the trustee of Robertson county, for the use and benefit of the corporation of Springfield.

Vacancy. SEC. 10. *Be it enacted*, That if any vacancy shall occur, in any of the offices mentioned in this act, the same shall be filled by an election as provided for in the ninth section of this act, which said election, for the purpose of filling any vacancy as aforesaid, shall be only to fill such unexpired term of the officer so having died, removed or resigned.

Boundaries. SEC. 11. *Be it enacted*, That the boundaries of said corporation be as follows, to wit: Beginning at the upper town spring, running west so as to include the residence of (the late) General Richard Cheatham; thence north so as to include the residence of Doctor J. M. Jones; thence east to the Black Branch, at a point where the garden fence of Hiram H. Orndorff crosses said branch below his tan yard; thence up said branch with the meanders, to the upper town spring, the beginning.

Repeal. SEC. 12. *Be it enacted*, That all laws and parts of laws heretofore passed, incorporating said town of Springfield, as well as any law or laws passed, appointing commissioners for the regulation of the town of Springfield, be and the same are hereby repealed.

Voters. SEC. 13. *Be it enacted*, That all persons that hold real estate in the corporation limits of said town (of Springfield) shall be entitled to vote for the officers mentioned in this act, provided said persons be constitutional and legal voters otherwise.

Corporate powers. SEC. 14. *Be it enacted*, That the corporation of Springfield, by its mayor and aldermen, have power and authority, to pass any laws for the government and discipline of said corporation of any kind whatsoever, so that the same do not come in conflict with the constitution and laws of this State. This act to take effect from and after its passage.

SEC. 15. *Be it enacted*, That the corporation aforesaid,

shall have power and authority to enact such laws and ordinances as may be proper and necessary to preserve the health of the citizens of said town; to prevent and remove nuisances; to establish night watches and patrols; to ascertain, when necessary, the boundaries and location of lots, streets and alleys, with the consent of the proprietors of the lots and houses adjoining such streets, lands and alleys; to provide for licensing and regulating auctions; to restrain and prohibit gaming; to provide for licensing, taxing, regulating or restraining theatrical or other public amusements and shows within the limits of said corporation; to pave and keep in repair the streets, and to pass all laws necessary for the establishment of necessary inspections within the said town; to erect and regulate markets; to provide for the establishment and regulation of a fire company or companies, and the sweeping of chimneys; to procure water, by the digging of well or wells, or otherwise to erect and regulate pumps for the use of said town; to improve and appropriate fines, penalties and forfeitures for a breach of the by-laws and ordinances; to lay and collect taxes for the purpose of carrying all necessary measures into operation for the benefit and advancement of the best interests of said town; to pass all laws and ordinances for the comfort, cleanliness and good government of said town, which may be necessary for the purpose of carrying into effect the provisions, intent and meaning of this act. *Provided*, The same are not inconsistent with the constitution and laws of this State or of the United States.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed Dec. 23, 1845.

CHAPTER XXXI.

Act Act to alter the line of Claiborne county, so as to attach the farms of Robert Campbell and William Seals to Hawkins county, and for other purposes.

New Line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line of Claiborne county be altered as follows, to wit: Beginning at the corner of said county, about one mile west of Greasy rock, and running south-westwardly to Clinch river, so as to include the farms of Robert Campbell and William Seals, in Hawkins county.

Settlements with Clerks.

SEC. 2. *Be it enacted*, That the county line between the counties of Maury and Marshall, be and the same is here-

by changed, as follows: Beginning at a point running south from Duck river, fifty feet north of William D. Baldridge's dwelling house; running thence west fifty feet; thence south 120 feet; thence east to the present line, so as to include the entire dwelling house of said Baldridge, and attach him to the county of Marshall.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 23, 1845.

CHAPTER XXXII.

An Act to authorize the County Revenue Commissioners to settle with County Court Clerks, &c.

Settlement with Trustee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county revenue commissioners are hereby ordered and directed in making settlements with clerks now in office, to ascertain what amount of money is in their hands due to witnesses, officers and others, which have been collected by them either from unsuccessful suits in court or from the State or county treasury, and which has been in the hands of said clerks for more than two years, and said sums of money so ascertained shall be by them paid into the county treasury as other county moneys now are.

Clerks to pay over to Trustee.

SEC. 2. *Be it enacted,* That all clerks heretofore in office in this State, their executors or administrators, who have any moneys in their hands as designated in the first section of this act, shall be authorized to file a statement of the amount in his or their hands setting forth the amount and name of each claimant; and said clerks, their executors or administrators shall be authorized to pay over said moneys to the county trustee for the use of the county.

Costs to be paid to Trustee.

SEC. 3. *Be it enacted,* That any clerks heretofore in office in this State who are dead, and who at the time of their death had in their hands moneys collected by them from unsuccessful suitors in court or from the State or county treasury, which said moneys were costs in the hands of such clerks due to officers, witnesses and others, and which has not been applied for or received by said claimant but remained in the hands of such clerks at the time of their death, and which moneys came to the hands of the executors or administrators of said clerks, and the same shall have been acknowledged by the executors or administrators to be costs as before specified, either in their inventories, an-

swers to any bill filed by the creditors, heirs or distributees, or otherwise of any such deceased clerks, it shall be the duty of the county revenue commissioners to charge such executors or administrators with the amount acknowledged by them as aforesaid to have been in their hands, and the county court shall notify such executors or administrators of such charge; and it shall be their duty to pay over said moneys to the county trustee within thirty days from the service of said notice, and the county trustee shall execute his receipt to such administrators or executors for the same, which shall exempt them from all further liability on account of said fund.

List of claimants.

SEC. 4. *Be it enacted*, That it shall be the duty of the revenue commissioners to file a list of the claimants names and the amount due to each claimant in every settlement made by them under the provisions of this act, and it shall be the duty of the county court to spread the same at length on the record.

District Attorney to take judgment.

SEC. 5. *Be it enacted*, That it shall be the duty of the district Attorney Generals to take judgment by motion in the circuit court in the name of the county trustee, for the use of the county where said moneys may have been collected, against any clerk or the administrators or executors of any deceased clerk who shall fail or refuse to comply with the provisions of this act, and the notice given by the county court shall be sufficient evidence against them.

County court clerk to give certificate—trustee to pay.

SEC. 6. *Be it enacted*, That each claimant may apply to the county court clerk for a certificate of the amount due him, and which has been paid in to the county treasury under the provisions of this act, and on presenting said certificate to the county trustee he shall pay the same out of any moneys in the treasury not otherwise appropriated.

When trustee not to pay.

SEC. 7. *Be it enacted*, That from and after the passage of this act it shall not be lawful for the county trustee of any of the counties in this State to pay over any bill of cost to any of the clerks in this State, in which other claimants are included, except said clerk shall file the receipt or order of such claimant at the time payment is made.

Fees.

SEC. 8. *Be it enacted*, That the clerks of the county courts of this State shall receive six and one-fourth cents for issuing every certificate under the provisions of this act, and fifty cents for recording each settlement, which shall be paid out of the county treasury, and the Attorney General shall be entitled to a fee of ten dollars for every judgment taken under the provisions of this act to be taxed in the bill of cost.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 24, 1845.

CHAPTER XXXIII.

An Act to Charter the Bledsoe Creek Turnpike Company in the county of Sumner, and for other purposes.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alfred R. Wynne, James A. Blackman, David Barry, Joel Parrish and Josiah W. Baldridge be appointed Commissioners, to open books for the purpose of receiving subscription for the purpose of building a Turnpike road from Gallatin; or the Gallatin Turnpike road to Bledsoe's lick in the county of Sumner. The said subscription may be made payable in money or in work, to be performed on said road to an amount sufficient to build said road. So soon as subscription shall be made sufficient to build five miles of said road, a meeting of the Stockholders shall be called by the Commissioners at the Court house in the town of Gallatin, by giving ten days notice of the time of said meeting. After which meeting the said Stockholders, and those who may thereafter become Stockholders, shall be and are hereby constituted, a body politic and corporate by the name of the Bledsoe Creek Turnpike Company, and shall so continue, and may own, sell and buy property, sue and be sued, plead and be impleaded in their corporate name and character, and have and enjoy and possess all the rights, powers and privileges, and subject to the conditions, limitations and restrictions granted and imposed upon the Lebanon and Nashville Turnpike Company by virtue of the Charter granted 12th February 1836, except so far as the provisions of this act, and the laws of this State are inconsistent with said Charter of the 12th of February 1836.

Style of road.

SEC. 2. *Be it enacted*, That persons subscribing may subscribe and take so much of said road, designating the part and distance of the road so taken, which part so taken shall be built and finished by him or them so subscribing in a good and substantial Turnpike manner, in every particular to be as well done and performed as the said Lebanon and Nashville Turnpike road. The said subscriptions in work shall be made as follows: The first one half mile or mile, and so on, computing the distance from Gallatin to Bledsoe's lick. If two or more subscriptions shall take the same part of the road, the Board of Directors shall designate which subscriber shall be entitled to said Stock and do said road, having a due regard to the interest of said Company.

Election of officers.

SEC. 3. *Be it enacted*, That the subscribers, or a majority of them being present, may call a meeting and shall elect their directors, who shall be stockholders, who shall elect one of their body President of the Board of Directors, who shall continue in office for two years and until another elec-

tion shall take place to fill the places, of which election ten days notice shall be given by the Treasurer of said Company to take place in the town of Gallatin. The President and Directors of said Company shall have the power at all times to designate the place of meeting as well as times, and power to appoint such officers as may be necessary to transact all the business of said Company, and may prescribe the duties and fix the salaries.

Directors to let out work.

SEC. 4. *Be it enacted*, That so soon as five miles of said road shall be subscribed for, whether in money or in work, the election of Directors shall take place, and the said road shall be laid down and located by a majority of said Stockholders; and if the whole of said road shall not be taken to be paid in work, but a part of the Stock taken in money, the President and Directors of said Company shall let out to the lowest bidder such part of the road remaining unsubscribed for as aforesaid, and apply the funds of said Company to the payment of the same.

Forfeiture.

SEC. 5. That the work on said road shall be commenced within six months from the passage of this act and the road finished to Bledsoe's lick within four years, or this charter is forfeited.

Disagreement of Stockholders.

SEC. 6. *Be it enacted*, That when the road shall be finished and prepared for gates to be placed upon it, such part of the road as shall be built by stockholders subscribing to build so much of said road in work, the said stockholders shall have a meeting and endeavor to fix upon the value of the work done upon said road by said stockholders so subscribing. If said Stockholders cannot agree as to the value thereof, three valuors thereof unconnected with the parties, shall be appointed by a majority of said Stockholders, who shall proceed and value each Stockholder's work done on the road as aforesaid, and that valuation shall be reported to the President and Directors of said company and placed upon the books of said company, and constitute so much stock in the said turnpike company belonging to the Stockholder or his assignees who may have performed said work.

Forfeiture.

SEC. 7. *Be it enacted*, That in the event of any Stockholder failing to perform and complete in a turnpike manner either with stone or gravel, his or their part of the road so taken as aforesaid, within three years from the passage of this act, all of said stock and work done on the road as aforesaid shall be declared forfeited to the said company, and the President and Directors shall open books for subscription for the Stock, either in money or work as aforesaid, to complete such part of the road and stock so forfeited, or put the building of such part out under contract for the benefit of said company.

Extension of road.

SEC. 8. *Be it enacted*, That the President and Directors of said company may extend said road to Hartsville or

Carthage on Snow creek, whenever they may think proper, upon the principles and under the provisions of this act.

Gates. SEC. 9. *Be it enacted*, That whenever the said road shall be completed for five miles; commencing at Gallatin, the said company shall erect one gate, and for every five miles thereafter one gate throughout the whole route: *Provided*, that no gate shall be erected within one mile of the town of Gallatin.

Commissioners. SEC. 10. *Be it enacted*, That John T. Neal, Joseph Thompson and Jordan C. Holt, Thomas Dean and William Bonner of Bedford county, and Thomas Park, William Tolley, John Taylor, Jasper Smith, Paul Ingle, James Fulton, James Bright, T. W. Ledbetter, John Landris, Hugh Thomaston and James L. Thompson of the county of Lincoln, be appointed Commissioners to open books to receive subscriptions, for the purpose of building a Turnpike road from Shelbyville in the county of Bedford, to Fayetteville in the county of Lincoln, the said subscription may be made payable in money, or in work to be performed on the said road to an amount sufficient to build the same. So soon as subscriptions shall be made sufficient to build five miles of said road, a meeting of the Stockholders shall be called by the Commissioners at such place as they may select, after which meeting, the said Stockholders and those who may thereafter become Stockholders, shall be, and are hereby constituted a body politic and corporate by the name of the Shelbyville and Fayetteville Turnpike Company, and shall possess and enjoy, all the rights, powers and privileges, which are conferred upon the Bledsoe Creek Turnpike Company by this act, except so far as the provisions hereinafter contained are inconsistent therewith.

Shelbyville and Fayetteville Turnpike.

Forfeiture. SEC. 11. *Be it enacted*, That said road shall be commenced within two years from the passage of this act and be completed within six years, or this Charter shall be forfeited.

Privileges of Company. SEC. 12. *Be it enacted*, That so much of said road as may be located upon the Elk ridge, may be graded only, without any graveling, if said Company shall prefer it; and the balance of said road may at the election of said company be graveled for the width of twenty feet, or of only sixteen feet; and whenever five miles of said road are completed, commencing at either Fayetteville or Shelbyville, the said company may erect a gate, and for every five miles thereafter a gate may be erected, as the said road is built throughout the whole route: *Provided*, that no gate shall be erected within one mile of Shelbyville or Fayetteville.

SEC. 13. *Be it enacted*, That the builders of said road may, if they think proper, use river gravel in the construction of said road, and no Stockholder who subscribing in work, shall forfeit his work under the provisions of the 7th

section of this act: *Provided*, he completes his part of the road within three years from the commencement thereof, or within the time which said company may prescribe.

Commissioners.

SEC. 14. *Be it enacted*, That Willis W. Wade, Thomas Whaley, Perry G. Magness and James Beckwith of the county of DeKalb, and Nicholas Oldham, William M. Young, Smith J. Walling, William Brewster, James Snodgrass, Waman Clark and Isaac Taylor be and they are hereby appointed commissioners, under the superintendance of any three of whom in each, DeKalb and White counties, books shall be opened in Smithville and Sparta, for subscriptions for stock in said Turnpike road, on the first Monday of January next; said books to be kept open for thirty days, unless the stock of said road is entirely subscribed for in less time; and at the end of thirty days the commissioners in DeKalb county, shall transmit the said books of subscription for stock in said road, to the commissioners in White county to Sparta; and as soon as the sum of ten thousand dollars of the stock of said road shall have been subscribed, it shall be the duty of the commissioners of said road to advertise in the Sparta Gazette, a newspaper published in the town of Sparta, stating the time and place of electing nine directors for the management of the business of said company, all of whom shall be Stockholders, and one of whom shall be President of said board.

Sparta and Smithville Turnpike.

SEC. 15. *Be it enacted*, That the subscribers for stock in said Turnpike Company, shall be, and they are hereby created a body politic and corporate by the name and style of the Sparta and Smithville Turnpike Company, and as such may contract and be contracted with, sue and be sued, plead and be impleaded, have a common seal, hold mixed, real and personal property, and dispose of the same, and shall have power to appoint such officers and agents as they may deem proper and necessary.

Officers.

SEC. 16. *Be it enacted*, That the business of said company shall be managed by the President and Directors, and that any five of whom shall constitute a board to do business; who shall hold office for the space of one year, next succeeding their appointment or election, and until their successors are elected and qualified; and should any vacancy occur in said board by death, resignation or removal, the remaining directors shall have power to fill such vacancy.

Powers to make road.

SEC. 17. *Be it enacted*, That said President and Directors, so soon as organized, may proceed to lay off said road, and for the purpose of making and keeping the same in repair, may, by themselves, agents, or contractors, cut, dig, quarry and take from the lands of any person adjoining said road, such timber, gravel, stone and earth, as may from time to time be necessary, and should any person or

persons from whose lands such timber, gravel, stone or earth may have been taken, desire compensation therefor, they by themselves or agents may apply to the nearest Justice of the Peace in the county in which such land is situated, notice of the time and place having been given to the President or any two of the Directors, to appoint three disinterested freeholders for the purpose of valuing such timber, ground, stone, earth or gravel, whose duty it shall be upon their own view, and upon oath to ascertain the fair and reasonable value of the same, and grant a certificate thereof to the party applying, if required, and it shall be lawful for such person to recover such amount, before any tribunal having cognizance thereof, and also if any person through whose lands the said road may run, shall consider himself injured thereby, except along the line of the present public roads, the damages shall be assessed, and paid as aforesaid.

Style of road and toll.

SEC. 18. *Be it enacted*, That said road shall be opened thirty-five feet wide, with sufficient ditches on each side to convey off the water and drain the same, with culverts or under cross drains where necessary; and said road shall be highest in the centre, gradually descending to each side; shall have substantial, safe and sufficient bridges where necessary, and in all respects shall be completed in a faithful, permanent and perfect turnpike manner. And when any ten miles are thus completed, the President and Directors may apply to the county court of each county through which each part runs, whose duty it shall be to appoint three discreet and disinterested freeholders to view and examine said road, or parts thereof, in each county, so completed as aforesaid; and on the report of said viewers, upon oath, or any two of them, that the road or any particular part of five miles of the same has been completed according to the true intent and meaning of this act, it shall be the duty of said county court to issue their order, authorizing the President and Directors to erect toll gates at points where they may select upon such finished road, or parts thereof, under rules and regulations hereinafter prescribed; that is, that toll gates may be erected every five miles, as fast as completed, but no such gates to be nearer than one and a half miles to any town on said road, or at the end thereof, and to appoint a toll-gatherer to demand and receive the toll at each gate erected on said road, which tolls are hereby declared to be as follows, to wit: For every twenty head of sheep thirty cents; for every twenty head of hogs thirty cents; for every twenty head of horned or neat cattle fifty cents; for every horse or mule, not in a drove, five cents, if in a drove three cents, and so in proportion for a greater or less number of said animals; for every carriage fifteen cents; for every empty wagon ten cents; for every cart ten cents; for every

loaded wagon fifteen cents; for every man and horse or mule five cents, at each and every gate erected on said road. *Provided*, said road shall be completed within five years from and after the first day of May next.

Refusal to pay toll.

SEC. 19. *Be it enacted*, That if any person shall fail or refuse to pay the toll hereby granted, at the time of offering to pass, the toll-gatherer may lawfully refuse a passage to such person or persons, or other things subject to toll as aforesaid, or if any article or thing liable to toll, shall by any means pass without payment when demanded by the toll-gatherer, the company may by warrant, from any justice of the peace, recover from the owner of, or person in possession of the article or subject of toll, five dollars for each offence, to be sued for in the name of the President of the board of directors for said company.

Failure to repair road.

SEC. 20. *Be it enacted*, That if said company shall fail to keep said road in good repair for the space of ten days, and information shall be given to any justice of the peace in the neighborhood, he shall issue his warrant to a constable, commanding him to summon three freeholders to meet at a certain time, and at the place complained of, reasonable previous notice in writing having been given to the president or some one of the directors of said board; and if on report of said freeholders, on oath, it shall be found in the presence of said magistrate, that said road is out of repair according to the intent and meaning of this act, the toll hereby granted shall cease to be demanded, until such defective part of said road shall be put in good repair.

Road covered with rock, gravel or charcoal.

SEC. 21. *Be it enacted*, That the said president and directors may, at their discretion, cover said road with limestone rock, broken and prepared upon the McAdam plan, twenty-five feet wide, or with gravel the same width, either of which shall be twelve inches in thickness, or they may, at their discretion, cover the whole or a portion of said road with charcoal of a sufficient depth.

Capital stock.

SEC. 22. *Be it enacted*, That the capital stock of said road shall be seventy thousand dollars, in shares of fifty dollars each, and in all elections each share shall be entitled to one vote. The payment of said stock shall be called for at the discretion of the President and Directors of the Company, and upon failure to pay according to the calls as aforesaid, said President and Directors may declare the stock of said delinquent to be forfeited to said company, or may sue for and recover the amount before any tribunal having jurisdiction thereof, at their election. *Provided further*, That at least thirty days notice of such call shall be given the stockholders of said company, by advertisement in some public newspaper published nearest the locality of said road.

SEC. 23. *Be it enacted*, That on the first Monday in March,

Annual meeting and elections.

in each and every year, there shall be a meeting of the stockholders, at such place as the President and Directors may appoint, for the purpose of taking into consideration the general condition of said company, and for the purpose of electing directors for the ensuing year, who shall hold their offices for one year, and until their successors are elected and qualified, and should no election take place then, it shall take place at any such time thereafter as the President and Directors may designate, whose duty it shall be immediately to designate the time and place of holding an election, giving thirty days notice thereof in some newspaper published nearest to said road.

Appointment of officers.

SEC. 24. *Be it enacted*, That said President and Directors shall have power to appoint all such officers, agents, and servants as they may deem necessary, and determine by their by-laws the manner of adjusting all accounts against the company, and also the manner and evidence of transfers of stock in said company, and may pass all by-laws, not contrary the laws and constitution of this State or the United States.

Powers of Directors.

SEC. 25. *Be it enacted*, That the President and Directors shall have power at any time after one-third of the stock in said road shall have been subscribed for, to let out the cuting out, grading and completing so much of said road as the amount subscribed will pay for, and in such amounts as they choose, and upon the plan of only grading said road, or covering it with limestone rock upon the McAdam plan, or with gravel or charcoal, as herein above set forth and specified, as said President and Directors shall and may determine, reserving, however, such portion of the subscription as they may deem necessary for incidental expenses on said road, and at any time thereafter may let out the balance subscribed for in the same manner. *Provided*, That the stockholders shall have the preference in taking such jobs over all other persons at the same rates at which others who are not stockholders will take them, and in all cases of letting out such jobs, or parts of work to be done on said road, reasonable notice shall be given in some newspaper published nearest said road. And the grade of said road shall in no place be over three degrees elevation.

Route of road.

SEC. 26. *Be it enacted*, That said road shall commence at the end of the turnpike road near the top of Snow's hill, east of the town of Liberty, in DeKalb county, passing through Smithville, and terminating at the town of Sparta, in White county. *Provided always*, That it shall be the duty of said President and Directors, to cause to be mile-marked said road with permanent and substantial materials, and upon failure thereof, shall be subject to presentment or indictment, and liable to all the penalties to which overseers of public roads are liable for similar offences.

Charter.

SEC. 27. *Be it enacted*, That this charter shall exist and be in full force for the full space and term of one hundred years, from and after the first day of January next.

Width of road.

SEC. 28. *Be it enacted*, That at all points on said road, embracing the bluffs on the Caney Fork, on either side of said river, the road shall be made only twenty-five feet wide, with a ditch on the upper side of sufficient capacity to carry off the water, with a sufficient number of culverts, built of stone in a substantial manner under said road, securely covered with rock to pass the water down the hills, at the discharging point to be built of rock at an angle of forty-five degrees after it passes beyond the outside of the road. *Provided also*, That all persons and carriages, in going to and returning from church, muster or mill, shall pass without the payment of toll.

To pass free.

SEC. 29. *Be it enacted*, That should the President and Directors determine to grade said road only, and not to cover the same with limestone rock, upon the McAdam plan, or with gravel or charcoal, as herein before specified, then it shall only be lawful to erect gates and receive toll thereon for every ten miles of said road so finished and completed as aforesaid, with the right to demand and receive at each gate the rate of tolls herein above mentioned.

State not to take stock.

SEC. 30. *Be it enacted*, That, provided, nothing in this act shall be so construed as to require the Governor to subscribe for stock in any of said roads.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed Dec. 12, 1845.

CHAPTER XXXIV.

An Act for the relief of Elijah Embry, and to secure the Academy fund due from him.

Whereas, It is represented to this General Assembly that a judgment was obtained against Elijah Embry and his securities in the circuit court of Washington county, for about the sum of forty-three hundred dollars and costs due to the Academy fund in this State, on which judgment there has been paid, about the sum of two thousand dollars; and *whereas*, the said Elijah Embry has proposed terms of settlement of said judgment, wherefore:

May give new note.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said Elijah Embry may settle the balance due on the judgments aforesaid, in the following

manner to wit: the said Elijah Embry and all the securities against whom judgment has been obtained, may put in their note with additional security or endorsers payable in one of the Branches in East Tennessee, of the Bank of Tennessee, for the amount due on said judgment with interest up to the time of taking said note and renewable every six months, paying the interest in advance, and at every second renewal they shall pay one fourth of the principal until the whole is discharged; *Provided*, that said Embry before he avails himself of the benefit of this act, shall pay all the costs which have been incurred in said suit; *And provided further*, that this act and the notes which are taken, in consequence of it shall not release the judgment aforesaid, but the same shall remain in full force until the whole sum is paid.

Notes to be satisfactory to Bank.

SEC. 2. *Be it enacted*, That before the Directory of the Bank is authorized to discount said note and before it is received as collateral security for the payment of said judgment, the Directory shall be satisfied that the drawer and endorsers thereof are undoubtedly good and solvent, and should any of the persons against whom the said judgment was obtained, die or be dead at the passage of this act, the survivors may give their note under the first section of this act; *Provided*, they and their endorsers are esteemed undoubtedly good and solvent, and upon the punctual compliance of the foregoing conditions, the said Elijah Embry and his securities shall be entitled to the stay of execution until the whole sum is paid and the judgement discharged; *And provided also*, that all of the securities against whom said judgment is rendered, shall agree in writing to said stay of execution as provided by the provisions of this act, which agreement shall be entered upon the records of the Court where said judgment is rendered.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 24th, 1845.

CHAPTER XXXV.

An Act to authorize the County Court of Jefferson county to appoint a Revenue Collector, to collect the County and State taxes for the year 1844.

County court to appoint revenue collector.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Jefferson be and are hereby authorized to appoint a revenue collector, to

collect the County and State taxes that are due from said county for the year 1844.

Powers. SEC. 2. *Be it enacted*, That said revenue collector shall have the same powers and authority with which sheriffs and collectors are vested in other cases.

Duties. SEC. 3. *Be it enacted*, That said revenue collector shall be required by this act, to collect and make return of said taxes within the time, and under the same regulations and restrictions prescribed by law in other cases.

Exemptions. SEC. 4. *Be it enacted*, That all persons who have paid their taxes, or any part thereof, for the year 1844, shall be, and are hereby declared exempt from the re-payment of the whole, or a part, as the case may be, of said taxes. *Provided*, They shall, upon the presentation of said claim by said revenue collector, produce a receipt for the whole, or a part, as the case may be, of his, her or their County or State taxes for the year 1844, from under the hand of the then acting sheriff of said county, or his deputy.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER XXXVI.

An Act to authorize William Walker, of Bledsoe county, to keep open a turnpike road.

Open road. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Walker, of Bledsoe county, be authorized to keep open a turnpike road, leading from George Reel's, in Bledsoe county, to the foot of Walden's Ridge, in Hamilton county.

Privilges. SEC. 2. *Be it further enacted*, That the said William Walker have the same privileges that were granted to Charles Gamble and others, by an act of 1825, on said road.

SEC. 3. *Be it further enacted*, That the said William Walker shall have privilege to keep open said road, and have the above named privilege for twenty years from the passage of this act.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 31, 1845.

CHAPTER XXXVII.

An Act to amend an act for the benefit of John H. Carmichael and Benjamin Rains.

Be it enacted by the General Assembly of the State of Tennessee, That the further time of twelve months, from and after the first day of January, 1846, be allowed to John H. Carmichael and Benjamin Rains to complete their turnpike road, granted by the act of 1841, chap. 145, sec. 8.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, December 31, 1845.

CHAPTER XXXVIII.

An Act for the benefit of persons who may find or discover any mine or valuable minerals.

Be it enacted by the General Assembly of the State of Tennessee, That if any person or persons has heretofore found, or may hereafter find or discover any mine or valuable minerals on any vacant and unappropriated land, north and east of the Congressional Reservation line, such person, so finding or discovering such mine or valuable minerals, shall have a preference or priority of entry of the land on which said mine or valuable minerals may be situated for the space of six months from the finding or discovering of such mine or valuable minerals, before which time it shall not be lawful for any other person to enter said land. And it shall not be lawful for any other person to enter such land, until such person shall have given, in writing, at least thirty days previous notice to the person so having found or discovered such mine or valuable minerals, where the finder is known to him, of his intention to enter the same, and any entry made, grant obtained, contrary to the provisions of this act, shall be utterly void in law and equity.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 31, 1845.

CHAPTER XXXIX.

An Act to authorize the Circuit Courts to be held at other places than the Court House in certain cases.

May hold in private house.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if it shall so happen, that there is no court house, or the court house is unfinished or out of repair, or from any cause is unsuitable to hold court in, in any county in this State, it shall be lawful for the circuit courts in such county or counties, by order of the circuit judge, to be holden in any house in the county town of such county, with all the powers they would have at the court house.

Eighth Circuit.

SEC. 2. *Be it enacted*, That the courts in the eighth judicial circuit shall hereafter be held as follows, to wit:

In the county of Lewis, on the third Mondays in March, July and November.

In the county of Hickman, on the fourth Mondays in March, July and November.

In the county of Giles, on the first Mondays in April, August and December.

In the county of Marshall, on the third Mondays of April, August and December. And,

In the county of Maury, on the first Mondays in January and May, and the fourth Mondays in August, in each and every year.

When changed.

SEC. 3. *Be it enacted*, That the next terms of said courts be held under the law as it existed at the commencement of this General Assembly and afterwards, according to the provisions of this law, and all recognizances shall be taken, and all process of every kind whatever shall be issued and returned accordingly.

Repeal.

SEC. 4. *Be it enacted*, That all laws passed by the present or any former General Assembly, inconsistent with the provisions of this act, be and the same are hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 1, 1846.

CHAPTER XL.

An Act to repeal the first section of an act passed the 30th of January, 1844, to establish a Chancery Court at Athens, McMinn county.

Be it enacted by the General Assembly of the State of Tennessee, That the first section of an act to establish a chancery court at Athens, McMinn county, and for other purposes, passed 30th January, 1844, chapter two hundred and one, be and the same is hereby repealed; that the bills now on file in the said chancery court at Athens, and all the papers belonging to the same, be removed to the chancery courts in which the same were allowed to be filed before the passage of the act, the first section of which this is intended to repeal; and the books and papers belonging to said chancery court, shall be transferred as provided for in this act, under the directions of the Chancellor for the Eastern Division of Tennessee. The chancery court for Gibson county, shall hereafter be holden at Trenton, on the fourth Mondays in January and July, in each year.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 31, 1845.

CHAPTER XLI.

An Act to amend the Charter of the White's Creek Turnpike Company.

Branch road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the White's Creek Turnpike Company be and the same is hereby authorized to construct and make a branch or arm of their said road, from the north end of their stone bridge, near where recently stood the Unity meeting house, upon such suitable ground as can be obtained, passing the White's Creek Springs to the top of the Ridge north of said Springs.

Style of road.

SEC. 2. Said road shall be graded twenty-one feet wide, and covered with gravel or broken rock to the width of eighteen feet, having a grade not exceeding three degrees, except at the Ridge, and there not exceeding six.

Toll-gate.

SEC. 3. Said company shall be authorized to erect one toll gate upon said branch, when the same shall be finished, and to charge the same rates of toll as are authorized in the original charter.

Fines.

SEC. 4. That if any person shall forcibly or secretly pass the toll gate or gates of said company without paying

toll, or go round said gates to avoid payment of toll, such person, so offending, shall forfeit and pay five dollars for every such offence to said company to be recovered by action of debt before any justice of the peace in this State.

Open books

SEC. 5. That books of subscription shall be opened, after thirty days publication in one of the newspapers of the city of Nashville, under the superintendence of the Directors of the White's Creek Turnpike. And the said company shall not subscribe for more than one-half of the stock for said branch on the first, allowing the citizens living upon said creek, near the route of said proposed branch, the privilege of subscribing upon that day for one-half, and to be entitled to rateable proportion of the tolls received upon said branch.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 2, 1846.

CHAPTER XLII.

An Act to incorporate Bledsoe Female Academy, in the County of Sumner.

Trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That A. R. Wynn, H. Bate, J. Patterson, Gen. William Hall and J. Belote, be and they are hereby constituted a body corporate by the name of the Trustees of Bledsoe Female Academy, situated in the county of Sumner, and shall have perpetual succession, and be capable in law to purchase, receive and hold to themselves and their successors, any lands, tenements, goods or chattels, which may be given, granted or devised to them, or purchased for the use and benefit of said Institution, and to appropriate and dispose of the same in such manner as to them may seem fit and proper for the use and benefit of said Academy. And the said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

Election.

SEC. 2. *Be it enacted*, That the Trustees aforesaid, and their successors, shall have power to hold such meetings, at such time and place as they may think proper, to elect one of their number President, and a Secretary and Treasurer of said board, and to fill all vacancies that may happen by death, resignation or otherwise.

Power of Trustees.

SEC. 3. *Be it enacted*, That a majority of said Board of Trustees shall constitute a quorum to transact business relat-

ing to the interest of said Academy. And said Board of Trustees shall have power to make such by-laws and regulations relative to said Academy. *Provided*, That they are not inconsistent with the constitution and laws of the State of Tennessee.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 2, 1846.

CHAPTER XLIII.

An Act to change the time of holding the General Musters in the 14th Brigade, Tennessee Militia.

Places of Muster.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the general musters in said brigade be holden at the following times and places:—At Frazier's in Sumner county, on the 3d Thursday in October in each and every year; at Bledsoe's Lick on the following day, Friday; and at Meadow's Tan-yard on the following day, Saturday; and at Walton's in Robertson county, on the following Monday; and at Ellis's in said county of Robertson on the following day, Tuesday; *Provided*, the places of holding said musters may be changed as they now by law can or may be changed.

SEC. 2. This act to take effect from and after the passage thereof.

Musters in 17th Brigade.

SEC. 3. *Be it enacted*, That the regimental musters in the 17th Brigade, shall be held as follows:—for the county of Hickman, on the first Friday and Saturday after the first Monday in October; for the county of Wayne, on the next Tuesday and Wednesday; for the county of Hardin, on the next Friday and Saturday; for the county of Lawrence, on the next Tuesday and Wednesday. That the regiment first in number shall muster first.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 2, 1846.

CHAPTER XLIV.

An Act to establish a Chancery Court at Manchester, Coffee co., and for other purposes.

When held.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there is hereby established a court of chancery to be held in the Court House, in the town of Manchester in the county of Coffee, on the third Mondays in February and August, under the the same rules, regulations and restrictions that other chancery courts are held in this State, and shall be attached to the 4th chancery division of the State.

Any Chancellor may hold court.

SEC. 2. *Be it enacted*, That the Chancellors of this State shall have power, and they are authorized to hold special terms of said courts subject to the same rules that now govern said courts of chancery in this State.

Grundy county.

SEC. 3. *Be it enacted*, That the citizens of the county of Grundy shall have power to file their bills in the chancery court at Manchester, Coffee county.

Removal of suits.

SEC. 4. *Be it enacted*, That all suits now pending in any of the chancery courts in any of the adjoining counties, where the parties, or either of them live in the county of Coffee or Grundy, they or either of them, may, by and with the advice and consent of the chancellor, remove or cause to be removed to the chancery court at Manchester, Coffee county, any suit that may be pending in any of the above named courts.

Transmission of papers.

SEC. 5. *Be it enacted*, That when the clerk and master of any chancery court of any of the adjoining counties, shall have due notice that an order to remove any suit has been made by the chancellor, then and in that case it shall be the duty of the clerk and master to transmit to the clerk and master at Manchester, Coffee county, all the papers appertaining to or in any wise belonging to said suit, whose duty it shall be to enter the same as a part of the records on file in his office.

Appointment of clerk.

SEC. 6. *Be it enacted*, That it shall be the duty of the chancellor to appoint a clerk and master of said chancery court at Manchester, so soon as practicable.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December 2d, 1845.

CHAPTER XLV.

An Act to exempt Relief Fire Company No. 2, of the city of Memphis, from jury duty.

Be it enacted by the General Assembly of the State of Tennessee, That the officers and member of Relief Fire Company No. 2, of the city of Memphis, shall hereafter be exempt from serving on any jury in this State, so long as said company may remain organized, and shall attend to the duties for which the same was created, any law to the contrary notwithstanding. *Provided, nevertheless*, That said company shall not consist of a greater number than seventy-five active members at any one time.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 2, 1846.

CHAPTER XLVI.

An Act to incorporate the inhabitants of the town of Trenton, in the county of Gibson.

Incorporated.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the town of Trenton in the county of Gibson, and the inhabitants thereof, are hereby constituted a body politic and corporate by the style and name of the mayor and aldermen of the town of Trenton, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, personal and mixed estate; and dispose of the same for the benefit of said town, and for that purpose alone may have a town seal.

Powers of corporation.

SEC. 2. *Be it enacted*, That said corporation shall have full power and authority to enact and pass such laws and ordinances, necessary and proper to preserve the health of the town, prevent and remove nuisances, to provide for locating and regulating auctions; taxing, regulating and restraining theatrical and other public amusements and shows, within the bounds of said corporation; to restrain and prohibit gambling; to establish night watches and patrols, to ascertain when necessary the boundary and location of streets, lanes and alleys; to pave and keep in repair the streets, and to pass all laws necessary for the same; to establish necessary inspections within the town; to erect and regulate the markets, to provide for the establishment and

regulation of a fire company, and the sweeping of chimneys; to procure water on the public square, by digging wells, or otherwise; to erect and regulate pumps; to impose, collect and appropriate fines, forfeitures and penalties for a breach of their by-laws and ordinances; to appoint a recorder and town constable; to lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town; to restrain tippling houses; to prohibit public nuisances, and to pass all laws and ordinances necessary and proper to carry this act into effect: *Provided*, the same are not inconsistent with the laws and constitution of this State.

Actions of debt

SEC. 3. *Be it enacted*, That all fines, forfeitures and penalties imposed by the by-laws and ordinances of said corporation, if not exceeding fifty dollars, shall be recoverable before a justice of the peace, by action of debt in the corporate name of said corporation, and if exceeding that sum, then by action of debt in the circuit court of the county of Gibson, and for the use and benefit of said town.

Election of Mayor and Aldermen

SEC. 4. *Be it enacted*, That the sheriff of the county of Gibson, shall, by himself or his deputy, hold an election at the court-house in the Town of Trenton, on the first Monday of February next; and on said day in each and every year thereafter, for the purpose of electing seven persons to serve as aldermen for said town of Trenton for one year, commencing on the Monday next succeeding their election; and all persons owning a free hold in said town, and all persons residing in the limits of said corporation, who shall be entitled to vote for members of the General Assembly, shall be entitled to vote for aldermen of said corporation; and no person shall be eligible to the appointment of alderman, unless he be a citizen and free-holder of the town of Trenton: *Provided*, that any person who has an equitable title to any real estate in said town, shall be eligible to office in all cases, where by this act a free-hold estate is required. And if the sheriff of said county should fail to hold the election at the time prescribed by this act, the corporation shall not for that cause be dissolved, but the sheriff may at any time thereafter proceed to open and hold said election, first giving ten day notice thereof.

Board to fill vacancies

SEC. 5. *Be it enacted*, That the seven persons qualified as aforesaid having the highest number of votes at any election held as aforesaid shall be taken as duly elected, and the Sheriff of Gibson county, shall within three days thereafter give to each of the seven aldermen elect, a certificate of his election; and it shall be the duty of the persons so elected to meet at the court-house within three weeks thereafter, four of whom shall form and constitute a quorum, and they shall proceed to elect one of their own body to be mayor of said corporation, for the same time for which the aldermen were elected

as aforesaid; and whenever any mayor of said corporation shall die or remove out of said town, or resign, another election shall be held by the aldermen in manner aforesaid for another person, for the time unexpired, and until the next general election for aldermen; and when any alderman shall die, remove out of said town or resign, such vacancy shall be filled by the mayor and aldermen of said town at any regular meeting, and the person or persons appointed by them shall serve until the next general election.

Oath.

SEC. 6. *Be it enacted*, That the mayor and aldermen of said town, shall, before entering on the duties of their appointment, take an oath before some justice of the peace of the county of Gibson, faithfully, uprightly and honestly to demean themselves as mayor and aldermen of said corporation, during their continuance in said appointment.

Constable.

SEC. 7. *Be it enacted*, That the town constable appointed by said corporation shall continue in office twelve months from the time of his appointment, and shall before he enters upon the duties of his office, enter into bond with security to said body politic, conditioned for the faithful discharge of the duties of his appointment and accounting for all monies by him collected; and the recorder shall continue in his office for one year, and his compensation shall be regulated by the mayor and aldermen.

Collection of taxes.

SEC. 8. *Be it enacted*, That said corporation shall have power to impose and collect a tax, on all property, real, personal and mixed, and upon the polls within its limits, but with the limitations and in the manner prescribed by the twenty-ninth section of the second article of the constitution of this State; and when any tax shall be imposed on any real estate, lying in the limits of said corporation, and not paid by the owner or occupier thereof, and there shall not be any personal property of the owner or occupier thereof in the limits of said corporation upon which the tax could be levied, then it shall be the duty of the recorder to certify the same to the county court of Gibson county, at the first court in each and every year, and upon said report at said term it shall be the duty of said court, to enter up judgment against said real estate, in favor of said corporation, upon which an order of sale shall issue directed to the sheriff of Gibson county, and made returnable in three months from the term from which the same shall issue, and it shall be the duty of the sheriff to advertise the sale of said real estate, in some newspaper printed in this State, thirty days before the day of sale, which shall be at the court-house door of Gibson county; which tax when collected by the sheriff shall be paid by him into the hands of the recorder, for the use of said corporation, which sale when made, shall vest the right and title of said real estate in the purchaser and his heirs, without regard to the usual strictness requir-

ed in such cases, and if from want of bidders or other cause, said real estate should not be sold, then an *Alias* or *Pluries* writ may issue, till said property be sold or tax collected; the tax is hereby made a lien upon the real estate, and in all cases when the owners of taxable property in said town fail to pay the taxes imposed by said corporation, and have personal property in the bounds thereof, the officer to whom is intrusted the collection of said taxes, shall have power to make distress and sale thereof, without any other process than the tax book signed by the mayor of said corporation, and countersigned by the recorder thereof.

Judges of election.

SEC. 9. *Be it enacted*, That the sheriff of Gibson county shall, previous to holding an election for aldermen as provided in this act, appoint three respectable citizens, freeholders in the town of Trenton, who shall act as judges of said election.

Term of office.

SEC. 10. *Be it enacted*, That the mayor and aldermen, and other officers, by this act to be appointed, shall hold their offices for the term of time by this act directed, and until their successors are elected and qualified.

Bounds and limits.

SEC. 11. *Be it enacted*, That the bounds and limits shall remain as established by the old corporation law of said town of Trenton.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 2, 1846.

CHAPTER XLVII.

An Act to alter the line of the counties of Sullivan and Washington.

Line in Sullivan.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line shall meander the Holston river from the mouth of Wautauga to the head of William Sprigin's Island, so as to include the bend where James A. Heltern and James Meredith now live, in the county of Sullivan.

SEC. 2. *Be it enacted*, That the citizens stricken off the county of Washington, and included in the county of Sullivan, as provided in this act, shall be entitled to all the privileges, and perform all the duties required of like citizens by the laws of this State in the said county of Sullivan.

SEC. 3. *Be it enacted*, That the farm of Lawson Gifford be attached to Washington county.

SEC. 4. *Be it enacted*, That the line between Jefferson

Between Jefferson and Grainger.

and Grainger counties be changed, so as to run with the stage road from the head of Panther Spring to John W. Hill's, sen., so as to include J. N. Shannon in Jefferson county.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 2, 1846.

CHAPTER XLVIII.

An Act requiring Samuel P. Wimms and security to pay costs of a State prosecution.

Be it enacted by the General Assembly of the State of Tennessee, That Samuel P. Wimms and his security, in his recognizance, pay all the costs in the cases of the State of Tennessee *vs.* the said Samuel P. Wimms, and the State *vs.* the said Samuel P. Wimms and security, in the circuit court of the county of Robertson; and upon the payment of all of said costs, they are hereby released from the penalty of said recognizances.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, January 6, 1846.

CHAPTER XLIX.

An Act to authorize the commissioners of the State Capitol to continue and complete the construction of the State House and to provide the means of so doing.

WHEREAS, At the last session of the General Assembly of this State, the seat of Government of the State was permanently established, and a site upon which to erect a State House was selected and designated, and an act of the General Assembly was passed for the construction of a State House; and whereas, under the provisions of said act, the commissioners employed a suitable architect to superintend said building, and adopted a plan for a State Capitol, and the said building is now in progress; and whereas, it is expedient to continue and complete the same as soon as practicable, Therefore,

SECTION 1. *Be it enacted, by the General Assembly of the*

State of Tennessee, That the commissioners of the State House be and they are hereby directed and empowered to continue the erection of said State House, and for this purpose are hereby invested with full authority to control and employ so much of the labor of the convicts of the Penitentiary as in their judgment and discretion may be necessary and proper; and it is hereby made the duty of the agent and inspectors of the Penitentiary to act in this behalf under the direction of said commissioners: *Provided*, in the exercise of such discretion not more than 120 out of the 189 convicts shall be employed in the labor and erection of said Capitol. Commissioners to employ convicts.

Sec. 2. That the sum of sixteen thousand dollars be and the same is hereby appropriated and directed to be annually paid towards the erection of said State House out of the Treasury of the State of Tennessee, and that said sum be paid to the order or orders of said commissioners as the same shall be wanted and called for: *Provided*, the appropriation made in this section does not reduce the means in the Treasury below the amount necessary to meet its own standing liabilities: *And provided further*, that the proceeds of all the sales from the Penitentiary shall be applied to the erection of the Capitol after paying its own expenses. Appropriation of money. Of proceeds of penitentiary.

Sec. 3. That the purchase of the lots of ground situate and lying in front of the public grounds and intended to be included as part of the same, made by said commissioners for and on behalf of the State, be and the same is hereby fully confirmed, and the purchase money thereof, being the sum of $8,500, is hereby directed to be paid out of the Treasury of the State; and it is hereby made the duty of said commissioners to procure a deed or deeds for said lots to the State of Tennessee, and to cause said deeds to be duly registered, and to deposite the same with the Secretary of State to be by him filed in the office of Secretary of State. Purchase of ground.

Sec. 4. *Be it enacted*, That the purchase money for the lots conditionally purchased by the public building, commissioners shall be paid by the warrant of the Comptroller of the Treasury at the respective periods at which the same may fall due to the venders according to the terms of said conditional purchase. Comptroller to issue warrant.

Sec. 5. *Be it enacted*, That the debts due the Penitentiary be applied to the construction of the Capitol. Debts of Penitentiary.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, Jan. 5th, 1846.

CHAPTER L.

An Act to alter the time of holding the Regimental Musters of the 16th Brigade of the Tennessee Militia.

Time of muster.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 96th regiment shall hereafter hold a regimental muster on the first Tuesday in October in each and every year, and the 85th, 86th, 87th and 88th regiments shall hold their regimental musters on the next Wednesday, Thursday, Friday and Saturday succeeding the first Tuesday in October in each and every year, according to the order of their respective numbers as herein named.

Repeal.

SEC. 2. *Be it further enacted*, That all laws and parts of laws inconsistent with this act shall be and are hereby repealed.

7th brigade.

SEC. 3. *Be it further enacted*, That the regimental muster shall hereafter be held in the 37th regiment in the 7th brigade on the first Monday preceding the 2nd Tuesday in October in each and every year.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed Jan. 8, 1846.

CHAPTER LI.

An Act for the relief of Nathaniel Pybass.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller issue his warrant to Nathaniel Pybass for ten dollars and eighty-seven cents, for his services rendered to the Bank commissioners appointed to investigate the Branch Bank of Tennessee at Trenton.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 8, 1846.

CHAPTER LII.

An Act to incorporate an institution for the benefit and education of destitute female orphans in the city of Nashville and vicinity.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the institution for the benefit and education of destitute female orphans, now in existence in the city of Nashville, be and it is hereby incorporated under the name of the Nashville Protestant Orphan Asylum, and have perpetual succession, that it be invested with the right to sue and be subjected to suit, to plead and be impleaded, to make all by-laws necessary for the government of the institution, to take and hold real estate necessary for the erection of suitable buildings, and to take personal estate by gift or otherwise and to do all other acts within the scope of the benevolent objects of said institution.

Trustees.

SEC. 2. That the institution be under the control and direction of twelve trustees, seven of whom shall be sufficient for the transaction of business and in case of a vacancy by death, removal, or otherwise, the vacancy may be filled by the other trustees; and the present board of trustees shall consist of Mrs. H. Hitchcock, Mrs. Matthew Watson, Mrs. Thomas Washington, Mrs. John Bell, Mrs. F. B. Fogg, Mrs. Boyd McNairy, Mrs. John M. Bass, Mrs. Robert Bell, Mrs. Joseph Horton, Mrs. John D. Kelly, Mrs. Joseph Norvell and Mrs. J. Cooper, who, or a majority of whom, may elect a presiding officer, and all other officers, teachers and servants.

Custody of children.

SEC. 3. That the destitute female children who shall be in said institution, shall be under the guardianship of said board of trustees, who shall have a right to the custody and care of the persons of said children, and exercise all the rights, perform all the duties of guardians and bring all suits for wrongs done them, and recover the custody of their persons in the name of said institution.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 8, 1846.

CHAPTER LIII.

An Act to establish a chancery court in the city of Nashville, and to make Davidson county a chancery district.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Davidson county be and the same

When held. is hereby constituted a chancery district, in the Middle Division of the State of Tennessee, and the court for said district shall be held in the court house in Nashville, by the Chancellor of said division, on the first Mondays in May and November, in every year.

Suits transmitted. SEC. 2. That the chancery court at Franklin, at the first or any subsequent term after the passage of this act, may, at the discretion of the Chancellor, upon the application of both parties or their solicitors, order the papers in any unfinished suit now pending in said court, together with a transcript of all orders and decrees in such suit, to be transmitted to said chancery court at Nashville, to be there proceeded in as suits in said court. And that the clerk of said chancery court, at Franklin, make out such transcripts, and be entitled to such fees as he is usually entitled to for like services.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 8, 1846.

CHAPTER LIV.

An Act to amend the Common School Laws.

Duty of county trustees. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the county trustees of this State, to make settlement with the common school commissioners heretofore elected in each civil district within their respective counties, ascertain what amount of money has been paid to each civil district prior to the year 1844, what delinquencies now exist, and report the same to the county court of the county in which they reside. And it shall be the further duty of said trustees, to proceed against all delinquents, and apply any money thus collected as heretofore required by law.

Compensation. SEC. 2. *Be it further enacted*, That it shall be the duty of the county court, to which such report shall be made, to make to such trustee a reasonable compensation for his services.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 8, 1846.

CHAPTER LV.

An Act concerning Corporations.

Summons.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all actions or suits against any corporation, it shall be sufficient to issue summons, reciting the cause of action, and summoning the corporation to appear and answer the same on the proper return day, which summons shall be returnable in the like manner, and subject to the same rules and regulations as other original process.

When not valid

SEC. 2. If a summons be issued against any corporation, service on the President or other heads, or in his absence on the Cashier, Treasurer or Secretary, or in the absence of such officers or any director of such corporation, such President or other officer being, at the time of service, in the county in which he usually resides, shall be deemed sufficient service of the summons; and on the return of such summons, service in manner aforesaid in any of the said cases, the same proceeding to a final judgment shall be had against such corporation as are had in other suits at law, after the return of a writ of summons executed. And the sheriff or other proper officer shall make return distinctly on whom the same hath been executed, otherwise such service shall not be deemed valid.

Suits by subpœna.

SEC. 3. Suits in equity, against corporations, shall commence by subpœna, and the service of such subpœna, and all interlocutory orders and decrees, shall be made in the same manner, and under the same restrictions before provided for the service of a summons in a suit at law, and the same proceeding to a final decree shall be had against such corporation, as are had in other suits in equity.

Suits against corporations.

SEC. 4. If any judgment at law, or decree in equity, shall be rendered against any corporation, it shall be lawful for the plaintiff or complainant in the suit, to sue out either a *distringis* or *sciri facias*, as he may think proper; and the said writs of *distringis* of *fieri facias* may be levied, as well on the choses in action, as on the goods, chattels, lands and tenements of the said corporation, and in case of a levy on choses in action, the court of law or equity shall have authority to appoint a receiver to collect the same.

Forfeiture of charter.

SEC. 5. Whenever it may be deemed proper by the legislature of this State, or the Governor and Attorney General, for the time being, the latter officers concurring therein, that judicial inquiry shall be instituted, to ascertain whether any corporation by non-user or abuse of its franchises has incurred a forfeiture of its charter, or has been disabled by a surrender of its franchises, or any other mode, it shall be lawful for the Attorney General, on behalf of the State,

to file a bill in equity, in the chancery court or circuit court for the district or county wherein the general meetings of the members or the officers of such corporation have usually been holden, or by law ought to have been holden; setting forth, briefly and without technical forms, the grounds on which such forfeiture or dissolution is alledged to have been incurred or taken place. And thereupon it shall be the duty of said court to take such order for enabling those interested in the charter or continuance of the corporation, to have due notice of and make defence against such bill, and make all such rules for procuring and taking evidence and having a fair trial of the controverted facts, as shall be deemed just and reasonable, and the suit shall be proceeded in as other suits in equity.

Indemnity.

SEC. 6. When the said bill in equity shall be filed by the Attorney General, at the relation of any individual or individuals, it shall be lawful for the court, in its discretion, to require bond with approved securities for the relator or relators, to indemnify the corporation against all the costs of such bill in equity, and such issue of facts as may be necessary to be tried by a jury, may be made up under the direction of the court, and submitted to a jury, either in the circuit or chancery court.

Appeal.

SEC. 7. From the judgment or decree of the chancery or circuit courts it shall be lawful for either party to appeal to the Supreme Court of Errors and Appeals, and final judgment of dissolution or forfeiture being rendered, such dissolution or forfeiture shall not extinguish the debts due to or from the corporation, but the court rendering such final judgment or decree, shall proceed to appoint a receiver or receivers, who shall have full power to attach in his or their own names all the debts due to said corporation, to take possession of all the property, and to sell, dispose of and distribute the same in order to pay off the creditors of said corporation, and afterwards to reimburse the stockholders thereof, under such rules, restrictions, provisions and regulations, as the court, rendering such final judgment or decree, shall direct.

Injunction.

SEC. 8. It shall be lawful for the Attorney General to file a bill, in the nature of a bill in equity, in the court of chancery or circuit court, as hereinbefore directed, to restrain by injunction any corporation from assuming or exercising any franchise not granted; to bring the directors, managers and officers of a corporation, or the trustees of funds given for a public or charitable purpose to an account for the management and disposition of the property confided to their care; to remove such officers or trustees upon proof of misconduct; to secure for the benefit of all interested the property or funds aforesaid; to set aside and restrain improper alienations thereof, and generally to compel faith-

Removal of officers.

ful performance of duty; to prevent malversation, peculation and waste; and the said courts or the Judges or Chancellor thereof, upon the filing of such bill, may make all such orders, rules and decrees as may be necessary to accomplish the ends of justice, and as are consistent with the usages of a court of equity, and the decrees shall be liable to be re-examined upon appeal or writ of error, in the same manner as cases between individuals; and said court shall have the power to cause a jury to be empanneled, and direct issues to be tried as is herein before provided.

SEC. 9. The answer or answers filed by the officers of any corporation, or directors, or trustees, shall not be read in evidence against them in any criminal prosecution, them or either of them individually.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 8, 1846.

CHAPTER LVI.

An Act to incorporate South Memphis.

WHEREAS, It is found by experience, that the good order, health, peace and safety of growing towns cannot be preserved, nor the evils and accidents to which they are subject, avoided or remedied without an internal power, competent to establish a police and regulation fitted to their particular circumstances, wants and exigencies. Therefore,

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of South Memphis, in the county of Shelby, and the inhabitants thereof, are hereby constituted a body politic and corporate by the name of the mayor and aldermen of South Memphis, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said town; and may have and use a town seal.

Powers.

SEC. 2. That the corporation aforesaid shall have full power and authority to enact and pass such laws and ordinances necessary to preserve the health of the town, prevent and remove nuisances, to establish night watches or patrols, to regulate the grade of lots, streets, alleys and other public passways, to provide for licensing and regulating auctions, dry goods, grocery and forwarding and re-

ceiving houses; to provide for licensing and regulating shows, circus and other public amusements within the town, to have and keep in repair the streets, alleys, public landings and side walks, to restrain the erection of buildings dangerous to other improvements, to restrain and prohibit gaming, to establish inspections within the town, to erect and regulate markets, to appoint a recorder, clerk of the market and high constable, to provide for licensing and regulating one or more fire companies, the sweeping of chimneys by the neglect of which the safety of the town may be endangered, to establish and regulate fire works and fire companies, to erect and regulate pumps and wells on the public squares, streets, lanes and alleys, or convey water from the vicinity into the town, to pass by-laws and ordinances; to impose and appropriate fines, penalties and forfeitures for the breach of their by-laws, to lay and collect taxes (which shall never exceed fifty cents in every one hundred dollars worth) in addition to laying taxes, to impose and exact personal servitude from every able bodied white man, an inhabitant of the town, for the working and keeping in repair the streets, alleys and public landings, to regulate and restrain tippling houses, to authorize and compel the opening and widening, if necessary, any streets now laid off, as well as to open new streets upon paying the party injured always therefor, to lay off the town, if necessary, every two years, in wards, in order to equalize the representation thereof, giving to each ward as near as practicable a representation in proportion to the taxes collected in said ward; to license and regulate drays, carts, hackney coaches and other vehicles in said town; to designate certain precincts within which wooden buildings shall not be erected, and to remove such as in the opinion of the mayor and aldermen of said town shall be considered dangerous and hazardous to the neighborhood or buildings adjacent thereto, upon paying to such individual owning said house or wooden building the value thereof, in the same manner as provided for by an act passed 23rd of November 1836, in like cases for the city of Nashville.

Corporation bonds

SEC. 3. Said corporation shall have no power to issue bonds or scrip, based upon the credit or faith of the corporation, having longer than one year to run, nor for a greater amount than the annual nett and ordinary revenues of said town; nor shall they have any power to renew bonds thus issued.

Election.

SEC. 4. *Be it further enacted*, That the sheriff of said county shall on the third Saturday in January 1846, open and hold an election at the Gayoso House, for the election of a mayor and eight aldermen; and ever thereafter on the first Saturday in January in each and every year, after giving ten days previous notice of the time of holding said election, and such place as the mayor and aldermen may hereafter

designate; and the qualified electors shall vote for the mayor and eight aldermen by general ticket; and that each and every ward shall be entitled to two aldermen, who shall reside in the respective wards for which they may be elected; all persons qualified to vote for members of the General Assembly shall have power to vote for a mayor and aldermen, except as herein otherwise provided. The office of mayor and aldermen shall continue for one year and no longer unless they be re-elected, and no person shall be qualified or eligible to the appointment of mayor and aldermen unless he be a citizen, and unincumbered fee simple owner of real estate in said town, evidenced by a general warrantee deed at the full value of five hundred dollars at the time of his or their election; and if said mayor or any aldermen shall at any time after his election, be divested of his real estate as aforesaid, his seat shall be thereby vacated, and his successor elected as in case's of death or resignation.

Voters.

SEC. 5. It shall be the duty of said corporation, after laying off the town into a convenient number of wards, to cause a registry of the citizens of each ward to be kept; and in order to prevent fraud in elections, none shall vote for mayor and aldermen except in the ward in which they reside, and not then unless they have caused themselves to be registered as citizens of said ward at least ninety days previous to the election, and shall have paid and discharged all corporate dues against them at the time of offering the vote. The bounds of the corporation on the east, south and west shall be the same as the bounds of the South Memphis tract; on the north it shall commence in the centre of the Mississippi River opposite the mouth of Union street; thence east with the mouth of Union street as at present laid off, until the same intersects with the Pigeon Roost road; thence with the south side of the Pigeon Roost road to the east line of the South Memphis tract of land.

Bounds.

Fines, &c.—how recovered

SEC. 6. *Be it enacted*, That all dues, fines, penalties and forfeitures imposed by the laws and ordinances of said corporation, if not exceeding one hundred dollars, shall be recovered by action of debt before a single magistrate, and if exceeding that sum in the circuit court of Shelby county in the name of the corporation for the use of the town.

Wooden buildings.

SEC. 7. The corporation of South Memphis shall have the same power to prevent the erection of wooden buildings, and removing those considered hazardous, as is provided for by an act amending the corporation of Nashville, passed November 23rd, 1836.

SEC. 8. Said town is hereby incorporated with all the power and authority which was granted in the incorporation of the city of Nashville and the amending acts thereto, so far as the same is applicable to the town of South Memphis as fully and completely as though said power were ful-

ly herein set forth, except as herein otherwise provided for.

Power to pass laws.

SEC. 9. Such corporation shall have power to pass all laws and ordinances necessary to carry the intent and meaning of this act into effect. *Provided*, They are not incompatible with the constitution and laws of this State.

Boundaries.

SEC. 10. *Be it further enacted*, That so much of the fifth section of this act, as describes, by metes and bounds, the limits of the town of South Memphis be so amended and extended as to include the town of Fort Pickering and the inhabitants thereof, under the following boundaries, to wit: That the line shall continue from the south-west corner of South Memphis proper, down the Mississippi river to the south boundary line of Jackson street, Fort Pickering; thence with the south boundary line of said street to La Rosa street; thence with the east boundary line of said street to the south boundary line of South Memphis proper; thence with the boundaries set forth in the fifth section of this act; and that the people residing within the limits herein described, and attached to the town of South Memphis, as part of said town, be entitled to all the rights, privileges and immunities, and subject to all the regulations and restraints hereinbefore imposed or granted to the citizens of South Memphis.

Land exempt from taxation.

SEC. 11. *Be it enacted*, That the revenues accruing from each respective ward, be appropriated for the benefit of the ward from which said revenue may be collected and not otherwise, unless by the consent of the alderman representing such ward. *Provided*, That nothing herein contained shall authorize said board of mayor and aldermen to impose any corporation tax for any purpose whatever, on the body of land included within the boundary of said town of South Memphis, known as the Overton tract, until said land shall be, by the owner and proprietors thereof, divided into town lots—then only so much thereof as shall be laid off into lots. *And provided further*, That nothing herein contained shall authorize the said mayor and aldermen to levy or collect a corporate tax for any purpose whatever on lots designated as Butler's cemetery.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 6th, 1846.

CHAPTER LVII.

An Act to incorporate the Duck River Slack Water Navigation Company.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a body politic and corporate is hereby constituted and established, to be known and designated by the name and style of the "Duck river slack water navigation company."

Powers.

SEC. 2. That said corporation by the name and style aforesaid, may sue and be sued, plead and be impleaded, may make by-laws for the government and management of the business of said company which shall be binding: *Provided,* They are not inconsistent with the constitution of the United States or the constitution and laws of this State; shall have perpetual succession and do all such other acts and things, and be subject to such liabilities as are by the common law incident to corporations; and may in addition thereto, exercise such other powers and privileges, and be subject to such restrictions and liabilities, as are hereinafter enumerated.

Capital stock.

SEC. 3. That the capital stock of said company shall be six hundred and fifty thousand dollars, or any sum less than that amount that said corporation may determine to be sufficient to complete the work contemplated by this charter, and shall be divided into shares of fifty dollars each.

SEC. 4. That all persons who shall subscribe for, or become the owners of stock conformably to the rules of this charter or the by-laws of the company, made in pursuance thereof, shall constitute members of said corporation.

Election of directors.

SEC. 5. That said corporation shall annually elect at such time and place as may be prescribed by said company, nine directors five of whom shall constitute a quorum to transact business, and said directors shall hold a regular meeting three times a year and as much oftener as they shall deem necessary and proper.

Officers.

SEC. 6. That said directors shall elect one of their own body president, choose a secretary and treasurer and appoint all such other officers and agents as may be required to carry into effect the purposes and perform the duties necessary to construct the improvements contemplated by this charter, fix their salaries and define their duties.

Voting.

SEC. 7. That in the election of directors every stockholder shall be entitled to one vote for each share he may own, all elections shall be by ballot, and the stockholders may vote by proxy in such manner as the directors may prescribe.

Transfers of stock.

SEC. 8. The stock in said company may be transferrable in such manner and form as the directors shall prescribe.

SEC. 9. That said company shall have full power and

Duck river navigable.

authority to make Duck river navigable from Columbia in Maury county, to the Tennessee river, by means of locks and dams, and to effect this purpose, said corporation may erect dams, dig canals, construct locks, and may take dirt, timber, rocks and all other material necessary from all lands contiguous to said river. *Provided*, That said locks shall be constructed of sufficient width for the free passage of steam boats, barges, keel and flat boats.

Damages.

SEC. 10. That if any person or persons shall conceive him or themselves injured by said corporation taking his timber, rocks or other materials, or digging or flooding his land or other property by the construction of said improvements, he or they may apply to the circuit court of the county in which the injury may be done, for a writ of *ad quod damnum* to be directed to the sheriff of such county to empannel a jury of freeholders to go on the premises and upon oath, which oath the sheriff is hereby authorized to administer, assess the amount of damages which may have been sustained; and the court shall upon the return of such assessment render judgment, and award execution for the same, with costs, and the money shall be made out of the property of the corporation if any there be, and if not, then out of the property of the individual stockholders; and if said jury shall return a verdict that no damage has been sustained, then the court shall render judgment and award execution against such applicant for the costs incurred. In assessing damages the jury shall take into consideration the loss or damage to the owner or owners, and also the benefit and advantage he or they may receive from the erection and establishment of said improvements, and the excess of loss and injury over and above the benefit and advantage shall form the measure of damages, and the said court may at the same time condemn and vest such land as may have been overflown and for which damages have been assessed in said corporation upon the payment of the value assessed to the party entitled thereto, or into court for his use; and said corporation may in like manner apply to the circuit court of the county in which any land lies which may be necessary for the construction of said improvements and have the same condemned and vested in said company upon the payment of its value, to be ascertained by a jury in the manner above prescribed for assessing damages. *Provided*, That in any case where any person makes application to court for a jury to assess damages, ten days notice in writing shall be given to said company. *Provided*, That service of notice upon any one of the members of the board shall be a sufficient notice within the meaning of this act, and in all cases where said company make like application for the purpose of having lands condemned, the like notice

shall be given to the owner or owners of such land, or the guardian or guardians, if minors, are interested.

Sale of water power.

SEC. 11. That said corporation shall have power to sell in fee simple or lease at their several dams and locks, or on any canals which they may construct, the use and privilege of the water power for the purpose of propelling machinery of all kinds in such manner as will not impede or injure the navigation. *Provided*, That the rights of no other person or persons shall be prejudiced thereby.

Insurance.

SEC. 12. The said corporation is hereby expressly prohibited from carrying on any banking operations; but said company may effect insurance on lives and property transported on said river, and such insurance may extend from the place of departure to the place of destination, though the transportation may be over other waters than Duck river.

Dividends.

SEC. 13. The profits of said company or so much thereof as the board of directors may deem proper, shall be semi-annually divided amongst the stockholders in proportion to the amount of stock owned by each.

Construction of dams.

SEC. 14. That in constructing dams on said river, the company, as to their height and number shall have regard to the situation and height of the banks and the fall in the river, so as not to flood the adjacent country at any point by erecting one dam unreasonably high in order to overcome the necessity of erecting another.

Charter.

SEC. 15. That said corporation shall possess and enjoy the exclusive right for fifty years from the passage of this act to navigate Duck river with steam boats, barges, and keels.

Tolls.

SEC. 16. That said company may establish the rate of tolls at the locks, *Provided*, they be reasonable; but all persons may descend said river with flat boats and rafts; and all other crafts at such stages of water in said river as they could descend the river if there was no dams, free of toll.

Commissioners.

SEC. 17. That Robert Campbell Jr., Christopher Todd, R. B. Mayes, James Smizer, Gideon J. Pillow, George W. Gordon, Robert T. Webster, William F. Rankin, Meredith Helm, Abraham Church, Edwin Baird, M. C. Napier, John Montgomery, Dennis G. Jones, John B. Gray, Joseph Blackwell and Henry G. Cumming be, and they are hereby appointed a board of commissioners to open books for the subscription of stock at such times and places as the said board or a majority of them may determine, first giving twenty days notice of the times and places, and said board may appoint an agent to solicit and procure subscription of stock privately. Whenever in the opinion of said board of commissioners stock enough has been subscribed to justify the commencement of said work, the commissioners shall give twenty days public notice that an election will be held at such time and place as they shall deem proper, and the

stockholders may thereupon meet at the time and place designated and elect said directors, who shall proceed to organize and commence the construction of said work.

Take liens. SEC. 18. That said company may take liens on the real estate or other property of the stockholders, in such manner as they may prescribe to secure the payment of stock, and stockholders shall pay in their stock in such manner as may be prescribed by the board of directors.

Time to complete. SEC. 19. *Be it enacted*, That it shall be the duty of said incorporated company to complete said Slack-water navigation improvement within the term of twenty-years from the passage of this act, and in case of failure this charter shall be null and void.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 15th, 1846.

CHAPTER LVIII.

An Act to incorporate the University of Memphis and Clarksville Female Academy.

Incorporation. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Seth Wheatley, Lewis Shanks, Jeptha Fowlkes, F. P. Stanton, Geraldus Buntyn, James T. Leath, H. G. Smith, Leroy Pope, N. G. Smith, E. J. Shields, W. A. Beckford, W. W. Hart, W. B. Morris, Thos. J. Turley and E. F. Watkins, and their successors in office be and the same hereby are constituted a body politic, corporate forever by the name of the trustees of the University of Memphis, and by this name shall and may have continual succession hereafter; and shall be able to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever, and may have a common seal and may change and alter the same at pleasure, and also shall be able in law to take by purchase, gift, grant, devise, or in any other manner, to hold any real and personal estate whatsoever, and that they and their successors as aforesaid shall have power to collect and receive all funds that have been in any way contributed or pledged, or that may hereafter be contributed or pledged with reference to the establishment, maintenance and support of said University, or for any of its purposes, and to apply the same; to give, grant, bargain, sell, convey, or otherwise dispose of all or any

part of the said real and personal estate, as to them shall seem best for the interests of the University: *Provided*, That no portion of them be expended, vested or used in any manner, other than in strict accordance with the will of the donor, and the provisions of this charter.

Trustees to elect officers.

SEC. 2. The trustees of the University shall have power and authority to elect and confirm in office a president and all such professors, tutors and other officers or agents, as they may deem necessary or expedient to carry into effect and sustain the designs of the University, and who shall be removeable at the pleasure of said trustees as above.

SEC. 3. The President of the University shall be ex-officio, a member of the board of trustees, and when present, chairman of the same.

No religious test.

SEC. 4. No person shall be rendered ineligible to the presidency or other office in the faculty, or to a place in either of the boards by reason of any religious tenet he may maintain, or be subjected to any religious test whatsoever.

By-laws.

SEC. 5. The trustees and their successors shall have power and authority to make and establish all such by-laws and ordinances as to them may seem expedient: *Provided*, That no such enactment be inconsistent with the laws of this State, or with the constitution and laws of the United States.

Meetings.

SEC. 6. The board of trustees shall hold annual and semi-annual meetings, to be fixed by their by-laws, and they shall meet upon their own adjournment, and so often as they may be notified by the president, or in his absence by any three members of the board: *Provided*, That he or they cause notice of the time and place to be given in such manner as the by-laws prescribe. They shall have power to declare vacant the place of any member who shall be absent for a term of two years, or from four successive meetings duly notified, or shall otherwise prove himself deficient in official duty or in moral character, and they shall supply all vacancies occurring in their body. The board of trustees shall meet annually at the season of the literary anniversary according to notice given by the President.

Vacancies.

SEC. 7. Five of the trustees shall be a quorum for the transaction of business.

Taxation.

SEC. 8. The funds that may at any time belong to the institution now incorporated, and all lands, buildings, or other rateable property, being in this State, shall be exempt from taxation.

Incorporation.

SEC. 9. *Be it enacted*, That Henry F. Beaumont, Geo. H. Warfield, Geo. C. Boyd, John S. Hart, W. B. Johnson, D. Browder, Joseph Johnson, J. B. McFerrin, Thompson Anderson, E. P. McGinty. Wm. Beaumont and R. S. Moore, be and they are, hereby constituted a body politic and corporate, by the name of the trustees of the Clarksville

Female Academy, and by that name shall have succession and a seal; and the said trustees and their successors shall be capable in law, to purchase, receive and hold to themselves and their successors, any lands, tenements, goods, or chattels which shall be given, granted, devised to them, or purchased by them for the use and benefit of said Academy, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper, for the benefit of said Academy; and said trustees may sue and be sued, plead and be impleaded, in any court of law or equity in this State or elsewhere.

Meetings. SEC. 10. *Be it enacted*, That said trustees and their successors shall have power to hold such meetings at such times and places as may be agreed upon from time to time by a majority of the board of trustees aforesaid; to appoint a President, Secretary and Treasurer of said board, and fill vacancies that may happen by death, resignation, or otherwise; but not less than three members shall constitute a quorum to transact business relating to the management, interest or government of said institution.

By-Laws, &c. SEC. 11. *Be it enacted*, That said board of trustees shall have power to make such by-laws, rules and regulations relating to said Academy, and the government thereof, and their own proceedings, as a majority of said board may deem right and proper: *Provided*, They are not inconsistent with the constitution and laws of the State of Tennessee.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, January 15, 1846.

CHAPTER LIX.

An Act to fix the prices of Public Printing.

Prices. SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the following prices shall be allowed for the public printing, viz: For the journals 45 cents per thousand ems, and 45 cents per token; for the acts 60 cents per thousand ems, and a like sum for each token; and for the job-work and law reports 75 cents per thousand ems, and a like sum for each token. For rule and figure work, in composition, double price.

Inspectors. SEC. 2. *Be it enacted*, That the Secretary of State, Treasurer of the State, and Comptroller of the Treasury, be and they are hereby constituted a board of inspection, to examine whether the works aforesaid shall be executed accord-

ing to law, and whether they conform in mechanical workmanship, and in the quality of the paper on which they may be printed with the specimens which are hereby required to be exhibited by the candidates for public printing, previous to the election of public printer. The specimens exhibited by the successful candidate or candidates, to be filed in the office of the Secretary of State. Should the execution of said works, or either of them, in the opinion of said board of inspection, not conform to the specimens required as aforesaid, it shall then be the duty of said board to make such reduction, in the compensation hereby allowed, as to them may seem just and proper, and certify the same to the Comptroller of the Treasury for deduction from the amount of said compensation.

Time of deliv ery.

SEC. 3. *Be it enacted*, That the journals and acts of the General Assembly shall be printed and delivered to the Secretary of State within sixty days from and after the adjournment of the same. *Provided however*, That the public printer may be allowed ninety days, after the expiration of the present session, for the delivery of the acts and journals.

Where printed

SEC. 4. *Be it enacted*, That the decisions of the Supreme Court shall be printed at Nashville.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 16, 1848.

CHAPTER LX.

An Act to recover possession of School Lands which may be adversely holden in any of the counties in this State.

Ejectment.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That it shall be the duty of the several Attorneys General, in the several districts or counties in this State, where there may be any school land in his district or county, adversely holden by any person or persons, to commence suit in ejectment in the name of the State against such person or persons, for such school land; and upon a recovery of the same, shall be entitled to a tax fee of twenty-five dollars against the defendant, to be taxed in the bill of cost.

Employ counsel

SEC. 2. *Be it enacted*, That in case there is no recovery, there shall be no judgment for cost. And in all cases it shall be lawful for the county court of the county wherein such land may lie to employ other counsel, and to pay him a reasonable fee out of the proceeds of said land. *Provid-*

ed, That this act shall not be so construed as to require any Attorney General to sue for any lands bid off by the sheriff of any county in this State to common schools, unless, after examination, such Attorney General shall be of opinion that he can recover such school lands.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 15, 1846.

CHAPTER LXI.

An Act to establish a Medical College in the city of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established in the city of Memphis, State of Tennessee, a medical college for the instruction of young men in the various departments of medical science. Said college shall be under the management, direction and government of a board of trustees, composed of the following individuals: Edwin Hickman, H. H. Means, John Martin, Eugene Magiveny, Leroy Pope, George W. Smith, Joseph S. Watkins, E. W. M. King, D. Morrison, V. D. Barry, Robert H. Pattillo, E. J. Shields, Henry G. Smith, which said board of trustees, and their successors in office, are hereby incorporated and created a body politic, for the term of one hundred years, by the name and style of the *Medical College of Memphis*, by which name they shall have perpetual succession, sue and be sued, plead and be impleaded, in all courts of law and equity, and shall be capable to take and hold to themselves and their successors in office, for the use of said college, and for no other purpose, lands, goods and chattels, of whatsoever kind, nature or quality, real, personal or mixed, by deed, will, grant, bargain, sale, or in any manner lawfully acquired from any person or persons capable of making the same; and the same from time to time to sell, exchange, convey, or otherwise dispose of for the use of said college; and to have and use one common seal, and the same to alter and renew at pleasure; and generally to do all and singular the matters and things that shall be lawful for them to do for the well being of said college, and the due ordering and arranging the affairs thereof.

Trustees.

Incorporation.

SEC. 2. *Be it enacted*, That it shall and may be lawful for said board of trustees and their successors in office, seven of whom shall constitute a quorum for the transaction of business, to meet on the first Monday of February

When to meet.

next, (1846,) or some convenient time thereafter, in the city of Memphis, State of Tennessee, for the purpose of carrying into effect the object and purpose of this act. Said trustees shall select one of their number to be President of said board, and also appoint a Secretary and Treasurer. Said board shall meet as often as the interest of said college may require, of which they are hereby constituted the sole judges, and shall have full power to enact such by-laws and regulations as shall by them be deemed necessary to govern and regulate the affairs of said college, not inconsistent with the laws of the United States or of this State. Said board of trustees, and their successors, are hereby authorized and empowered to supply all vacancies that may by death or otherwise occur among themselves. And at any meeting of said board, a quorum not being present, a less number may adjourn to some future time. Elect officers.

SEC. 3. *Be it further enacted*, That the faculty of said college shall consist of not less than six or more than nine Professors, to be elected by said board of trustees as soon after their first meeting and organization as practicable, and all vacancies that may occur in said faculty, shall be filled by said board of trustees, with the advice and approbation of the faculty existing at the time of such vacancy, and in such time as to prevent a failure in the regular course of instructions. Faculty.

SEC. 4. *Be it further enacted*, That said faculty shall have full power and authority to grant all such medical honors and degrees as are granted by similar institutions of learning in the United States; and in testimony of such honors and degrees, to give suitable diplomas under the corporate seal, with the signatures of the faculty, together with the signatures of the president and secretary of said board of trustees, which shall entitle their possessors respectively, to all the privileges and immunities which, either by usage or statute, are allowed to possessors of similar diplomas from other medical schools. Confer degree

SEC. 5. *Be it further enacted*, That no misnomer of said corporation shall defect any gift, grant or devise, or other lawful acquisition of property, either real, personal or mixed, provided the intention of the party or parties shall sufficiently appear upon the face of the deed, will or other writing, whereby any estate or right of property, be the same real, personal or mixed, or other interest is intended to pass, nor shall any disuser or nonuser of any of the rights, liberties, privileges or immunities hereby granted, or intended to be granted, work a forfeiture thereof.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 15, 1846.

CHAPTER LXII.

An Act to amend the act dividing Perry county, and the act attaching a portion of Wayne to Perry and also to appoint Commissioners to run the line between Decatur and Benton counties, &c.

Duties of Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act passed by this General Assembly, dividing Perry county, and establishing Decatur county, shall not take effect until the first Monday in April 1846, and the commissioners appointed for each county shall have power if they deem it necessary, to employ a surveyor and two chain carriers to ascertain the centre of said counties, which surveyors shall determine upon the centre of their respective counties, and whether places put in nomination for the county seats shall be within six miles of the same, and make return to the county court of their respective counties, which shall be entered upon the records of the same, and the respective county courts shall make them such allowance as they may think their services reasonably worth.

Elections—where held.

SEC. 2 *Be it enacted*, That the act attaching a portion of Wayne county to the county of Perry, be so amended as to authorize the polls to be opened, and an election held on the 7th February next, at the Widow Halliboughs on Sinking creek, in addition to the place appointed in said act, and Simon D. Whitley and Andrew J. Helms, the commissioners appointed in that act, shall appoint some one to hold said election, and said commissioners are required to divide that portion of Wayne attached to Perry into two civil districts, and make report to the first term of the county court of Perry, except that position lying between Lewis county and Perry, which shall be attached to the Sugarhill district No. 10, in Perry, and if a majority do not vote in favor of being attached on the 7th February, then notice being given, there may be another election held as aforesaid on the 21st February thereafter.

Commissioners to run line.

SEC. 3. *Be it enacted*, That John L. Houston and William H. Storm of Decatur county, and Willliam F. Doherty and the present county surveyor of Benton county be appointed commissioners to run the line between said counties and distinctly mark the same, and said commissioners shall commence at Tennessee river on the north east corner of Decatur county, and run westerly, and shall make their return to their respective county courts, which shall allow them such compensation as their services are reasonably worth, and their returns shall be entered upon the records of said county courts.

Part of Hickman attached to Perry.

SEC. 4. *Be it enacted*, That the within described territory (a portion of the county of Hickman) be attached to the

county of Perry, beginning on the Hickman county line on the top of the dividing ridge between the waters of Brush and Cane creek, and running from thence with the meanders of the main ridge dividing the waters of Brush and Cane creek, eastwardly to a point that a line due south will include all the settlements on Coon and Brush creeks to a point that due east will strike the corner of Lewis county, thence with Lewis county line south to where the same crosses the Hickman county line, thence west with the same to the south-west corner of Hickman county, thence north to the beginning, and that all the within described territory shall be attached to and constitute a part of Perry county.

Election on Coon creek.

SEC. 5. *Be it enacted*, That Hiram Campbell Esq., Thomas Vickery and Abram Barber, or any one of them, after giving ten days notice shall open and hold an election at the house of Abram Barber on Coon creek, and all persons constitutionally qualified to vote for members of the Legislature, living within the territory proposed to be attached to Perry county, may vote for or against being attached to Perry county, those wishing to be attached to Perry county shall have on their ticket Perry county, and those opposed shall have on their ticket Hickman county, and if a majority of all the votes so cast shall vote to be attached to Perry county, then this act shall take effect and be in full force, and it shall be the duty of the persons appointed under this act to certify the result to the commissioners of Perry county, and the citizens so attached shall have and possess all the rights and priviliges of other citizens of Perry county, and be attached to such civil district or districts in Perry county that may be most convenient for them.

When void.

SEC. 6. *Be it enacted*, That nothing in this act shall be so construed as to reduce the county of Hickman below her constitutional limits, *provided furthermore*, should not the counties of Decatur and Perry both be organized, this act shall be null and void so far as relates to the county of Hickman.

Part of Henderson attached to Decatur.

SEC. 7. *Be it enacted*, That the within described territory of the county of Henderson be attached to the county of Decatur as established by this Legislature, [viz.] Beginning at the north east corner of Henderson county, thence west 2½ miles with the line between Carroll and Henderson counties, thence south to the Hardin county line, thence east with the line between Hardin and Henderson counties to Decatur county, thence north with the line between Decatur and Henderson counties to the beginning.

Election—when held.

SEC. 8. *Be it enacted*, That Abraham Dereberry, Uzzell Hawkins and Samuel Moreland, or any of them, after giving at least 20 days notice in at least six places in the territory proposed to be attached, shall open and hold elections, or

appoint some persons to hold the same, at the house of Abraham Dereberry, and at the house of Samuel Moreland, and all legal voters within said territory, may vote for or against being attached to Decatur county, those in favor of being attached shall have on their tickets "Decatur county," and those opposed shall have on their tickets "Henderson county;" and if a majority of the qualified voters vote in favor of being attached, then and in that case it shall be and constitute a part of Decatur county. And it shall be the duty of said surveyor to certify the result, and make return to the Chairman of the county court of Henderson county, and also to the Chairman of Decatur county, which shall be entered upon the records of each county; and said territory shall be organized into two civil districts, under the regulations of the county court of Decatur, or attached to the several civil districts in Decatur county adjoining. And said citizens shall have all the rights and privileges of citizens of Decatur county.

When void.

SEC. 9. *Be it enacted*, That nothing in this act shall be so construed as to reduce the county of Henderson to less than her constitutional limits. *And provided further*, That the counties of Decatur and Perry, be organized, otherwise this amendment shall be null and void, so far as relates to the county of Henderson.

SEC. 10. *Be it enacted*, That the commissioners herein appointed, shall have power to employ some competent surveyor (if necessary) to run out and mark the lines, to be paid by the citizens attached to Decatur county.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 15, 1846.

CHAPTER LXIII.

An Act to establish a Chancery Court at Paris, in the county of Henry.

When established.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act a chancery court be established at Paris, in the county of Henry, to be held in the court house at Paris, on the first Mondays in December and June, in each year.

When held.

SEC. 2. *Be it enacted*, That the said chancery court shall be held by the Chancellor of the Western Division, at times mentioned in this act, and shall have exclusive jurisdiction of all causes in said county of Henry, and the citizens of said county may at their election, file their bills in said court;

and the said court shall have all the power, privileges and jurisdiction that other chancery courts have in this State by law. And it shall be the duty of the Chancellor to appoint a clerk and master, and organize said court at first time, on the first Monday in June next.

Transfer of suits.

SEC. 3. *Be it enacted*, That all suits now pending in the chancery court at Dresden, which have originated in the county of Henry, may be transferred to the chancery court at Paris, at the election of the complainant, and it shall be the duty of the clerk and master at Dresden, to transmit all of the papers belonging to any suit which may be transferred to the clerk and master at Paris.

Deputy clerk.

SEC. 4. *Be it enacted*, That it is hereby made the duty of the clerk and master of the chancery court at Trenton, to appoint a deputy, who shall reside at Dyersburgh, or in Dyer county, and keep his office in Dyersburgh.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 15, 1846.

CHAPTER LXIV.

An Act to incorporate the town of Dresden, in the county of Weakley.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Dresden, in the county of Weakley, and the inhabitants thereof, be and they are hereby constituted a body corporate, by the name and style of the mayor and aldermen of the town of Dresden; and by the name and style aforesaid, shall have perpetual succession, and may have and use a common seal, and may by the name and style aforesaid, sue and be sued, plead and be impleaded, and may have and receive, purchase and hold property, whether real, personal or mixed, and may grant, sell and dispose of the same for the use and benefit of the said town of Dresden.

By-laws.

SEC. 2. *Be it enacted*, That the corporation aforesaid shall have full power and authority to enact all such by-laws and ordinances as may be necessary and proper to preserve the health, comfort, quiet and good order of said town; to prevent and remove nuisances; to establish night watches and patrols; to punish breaches of good order committed within the said town; to ascertain and declare, when necessary, the old boundaries and localities of streets and alleys; to preserve the trees and shrubbery on the public grounds; to suppress the feeding and raising hogs and

cattle on the public grounds within said town; to provide for the licensing, regulation and taxing auctions; to restrain and prohibit gaming; to prevent the exhibition of stallions and jacks within the said town; to provide for the licensing, regulating and taxing theatrical and other shows and exhibitions; to pass by-laws and ordinances, necessary and proper for paving the streets, side-walks and alleys; to establish and regulate markets and inspections; to provide for the establishment and regulation of fire companies and the sweeping of chimneys; to dig wells and to erect cisterns and pumps in the streets and public grounds; to impose fines and forfeitures for the breaches of the by-laws and ordinances of said corporation; to lay, impose and collect taxes upon all property and privileges within said corporation, which are taxable by the laws of the State of Tennessee, and which may hereafter be made taxable by law; to tax bolling alleys, nine and ten pin alleys, and to pass all by-laws and ordinances necessary and proper to enforce the powers granted by this act to said corporation. *Provided*, such by-laws and ordinances be not inconsistent with the constitution and laws of the United States, or the constitution and laws of the State of Tennessee.

Fines, &c.

SEC. 3. *Be it enacted*, That all fines and forfeitures imposed by the by-laws and ordinances of said corporation, exceeding fifty dollars, shall be recovered by action of debt in the circuit court of Weakley county, in the name of the mayor and aldermen of the town of Dresden, or in the circuit court of any other county having jurisdiction of the person of the defendant. And all fines and forfeitures imposed by the by-laws and ordinances of the said corporation, not exceeding fifty dollars, shall be recovered by action of debt before the mayor of said town, or any justice of the peace for Weakley county.

Elections.

SEC. 4. *Be it enacted*, That on the last Saturday in January, in each and every year, the sheriff of Weakley county, by himself or his deputy, shall open and hold and election at the court house in the town of Dresden, after giving five days notice, for a mayor and six aldermen, a town constable and recorder of said corporation, who shall respectively hold their offices for twelve months, and until their successors shall have been elected and qualified. And all persons living within the bounds of said corporation, and who shall have been citizens thereof next preceding the day of election, and who are entitled to vote for members of the General Assembly, and who shall not at the time of the election be in arrears for fines or forfeitures due the corporation, shall be entitled to vote for said mayor and aldermen, constable and recorder; and no person shall be eligible to either of said offices, unless he be a qualified voter in said municipal election. Said election shall be opened

at the hour of twelve o'clock, M., and close at the hour of four o'clock P. M., and the votes shall not be counted, nor shall the ballot box be out of the possession of the judges before the polls are closed and the votes counted out. Previously to holding said election the officer holding the same shall appoint five respectable citizens of said town, who are qualified voters in said election, three of whom shall act as judges, and the remaining two as clerks of said election, all of whom shall be sworn and qualified according to the laws of this State, regulating the elections of members of the General Assembly, and said election shall in all respects be conducted as other elections in this State, by virtue of the act passed the 29th day of December, 1841, entitled, "an act to prevent illegal voting." And the said judges and clerks shall file the poll books with the recorder, who shall preserve the same.

Elections

SEC. 5. *Be it enacted*, That the persons receiving the highest number of votes for mayor, aldermen, constable, and recorder, shall be declared elected. And it shall be the duty of the officer holding said election to make out and deliver to the recorder elect, a certificate of his election, and also a certificate of the election of the mayor, aldermen and constable on the same day of the election, or as soon as possible thereafter, which certificate shall be produced at the first meeting of the board of aldermen, and entered on the record of the corporation. And if the said sheriff shall fail to hold said election at the time herein mentioned, it shall be his duty to hold it as soon after as possible, first giving the requisite notice. And for his failure to hold said election as prescribed in the fourth section of this act, the said sheriff shall forfeit and pay the sum of fifty dollars to said corporation, to be recovered by action of debt in the name of the mayor and aldermen of the town of Dresden. And if there shall be no sheriff of Weakley county, the election shall be held by the coroner of said county, under the same rules, regulations and penalties as are herein before prescribed.

Vacancies

SEC. 6. *Be it enacted*, That a majority of said board of mayor and aldermen shall be a quorum to do business, and if either the mayor, recorder, constable or any alderman should die, resign or remove out of the limits of the corporation, he vacancy shall be supplied by the board of aldermen, and the person or persons so elected shall perform the same duties and be vested with the same powers and privileges as the persons whose vacancies they are appointed to fill, and upon like conditions. The mayor, alderman, recorder, and constable shall respectively take an oath before entering on the duties of their office, to execute the same faithfully and impartially, and to support the constitution of the United States and the constitution of the State of

cattle on the public grounds within said town; to provide for the licensing, regulation and taxing auctions; to restrain and prohibit gaming; to prevent the exhibition of stallions and jacks within the said town; to provide for the licensing, regulating and taxing theatrical and other shows and exhibitions; to pass by-laws and ordinances, necessary and proper for paving the streets, side-walks and alleys; to establish and regulate markets and inspections; to provide for the establishment and regulation of fire companies and the sweeping of chimneys; to dig wells and to erect cisterns and pumps in the streets and public grounds; to impose fines and forfeitures for the breaches of the by-laws and ordinances of said corporation; to lay, impose and collect taxes upon all property and privileges within said corporation, which are taxable by the laws of the State of Tennessee, and which may hereafter be made taxable by law; to tax bolling alleys, nine and ten pin alleys, and to pass all by-laws and ordinances necessary and proper to enforce the powers granted by this act to said corporation. *Provided*, such by-laws and ordinances be not inconsistent with the constitution and laws of the United States, or the constitution and laws of the State of Tennessee.

Fines, &c.

SEC. 3. *Be it enacted*, That all fines and forfeitures imposed by the by-laws and ordinances of said corporation, exceeding fifty dollars, shall be recovered by action of debt in the circuit court of Weakley county, in the name of the mayor and aldermen of the town of Dresden, or in the circuit court of any other county having jurisdiction of the person of the defendant. And all fines and forfeitures imposed by the by-laws and ordinances of the said corporation, not exceeding fifty dollars, shall be recovered by action of debt before the mayor of said town, or any justice of the peace for Weakley county.

Elections.

SEC. 4. *Be it enacted*, That on the last Saturday in January, in each and every year, the sheriff of Weakley county, by himself or his deputy, shall open and hold and election at the court house in the town of Dresden, after giving five days notice, for a mayor and six aldermen, a town constable and recorder of said corporation, who shall respectively hold their offices for twelve months, and until their successors shall have been elected and qualified. And all persons living within the bounds of said corporation, and who shall have been citizens thereof next preceding the day of election, and who are entitled to vote for members of the General Assembly, and who shall not at the time of the election be in arrears for fines or forfeitures due the corporation, shall be entitled to vote for said mayor and aldermen, constable and recorder; and no person shall be eligible to either of said offices, unless he be a qualified voter in said municipal election. Said election shall be opened

at the hour of twelve o'clock, M., and close at the hour of four o'clock P. M., and the votes shall not be counted, nor shall the ballot box be out of the possession of the judges before the polls are closed and the votes counted out. Previously to holding said election the officer holding the same shall appoint five respectable citizens of said town, who are qualified voters in said election, three of whom shall act as judges, and the remaining two as clerks of said election, all of whom shall be sworn and qualified according to the laws of this State, regulating the elections of members of the General Assembly, and said election shall in all respects be conducted as other elections in this State, by virtue of the act passed the 29th day of December, 1841, entitled, "an act to prevent illegal voting." And the said judges and clerks shall file the poll books with the recorder, who shall preserve the same.

Elections

SEC. 5. *Be it enacted*, That the persons receiving the highest number of votes for mayor, aldermen, constable, and recorder, shall be declared elected. And it shall be the duty of the officer holding said election to make out and deliver to the recorder elect, a certificate of his election, and also a certificate of the election of the mayor, aldermen and constable on the same day of the election, or as soon as possible thereafter, which certificate shall be produced at the first meeting of the board of aldermen, and entered on the record of the corporation. And if the said sheriff shall fail to hold said election at the time herein mentioned, it shall be his duty to hold it as soon after as possible, first giving the requisite notice. And for his failure to hold said election as prescribed in the fourth section of this act, the said sheriff shall forfeit and pay the sum of fifty dollars to said corporation, to be recovered by action of debt in the name of the mayor and aldermen of the town of Dresden. And if there shall be no sheriff of Weakley county, the election shall be held by the coroner of said county, under the same rules, regulations and penalties as are herein before prescribed.

Vacancies

SEC. 6. *Be it enacted*, That a majority of said board of mayor and aldermen shall be a quorum to do business, and if either the mayor, recorder, constable or any alderman should die, resign or remove out of the limits of the corporation, he vacancy shall be supplied by the board of aldermen, and the person or persons so elected shall perform the same duties and be vested with the same powers and privileges as the persons whose vacancies they are appointed to fill, and upon like conditions. The mayor, alderman, recorder, and constable shall respectively take an oath before entering on the duties of their office, to execute the same faithfully and impartially, and to support the constitution of the United States and the constitution of the State of

Tennessee, which oath may be administered by any justice of the peace of Weakley county. The mayor, recorder and constable shall receive for their services an annual salary, which shall be fixed by the board of aldermen in each year, and the mayor and constable shall also receive such fees and commissions as justices of the peace and constables are authorized to receive for rendering judgments, service of process and collecting monies; and the constable shall receive such other fees for other services as the board of aldermen may allow him. Before entering upon the discharge of their duties, the recorder and constable shall enter into bond in double the supposed amount of money which may come into their hands, conditioned for the faithful performance of their duties and for the diligent collection and faithful accounting for all monies that may come to their hands for fines, forfeitures and other monies due said corporation, and which by law ought to be collected and paid over to them; and the said constable shall be liable as herein mentioned for failing to return process or pay over money collected by process issued by the mayor, and the bonds herein required to be taken shall be made payable to the mayor and alderman of the town of Dresden, and their successors in office for the use and benefit of said corporation, and said bonds shall be filed and carefully preserved among the records of said corporation.

Salaries.

Bonds.

Duty of Recorder and Constable.

SEC. 7. *Be it enacted*, That the constable shall pay over monthly to the recorder all sums of money collected by him for said corporation, and the recorder shall render semi-annually on the last Saturday in June, and the last Saturday in December of each year, and as much oftener as the board of mayor and and alderman shall require, a full and complete statement of the finances under his control, and that the recorder shall exhibit to the board semi-annually on the last Saturday in June and December in every year, a full and complete statement of the condition of the finances of said corporation. He shall also within thirty days from the time of assessing the taxes of said corporation deliver to the town constable a tax list, which shall be the authority of said constable for collecting the taxes therein specified, and the recorder shall preserve a copy of the said tax list among the papers of said corporation. No money shall be paid out except by the recorder, and in no instance shall the recorder do so except upon the order of the mayor made in pursuance of the directions of the board of aldermen. At the expiration of his term of office, the recorder shall deliver to his successor all books and papers and take his receipt for the same.

Jailers duties.

SEC. 8. *Be it enacted*, That it shall be the duty of the jailor of Weakley county to receive and keep in the jail of said county every person or persons who may be commit-

ted to his charge for a breach of the by-laws and ordinances of said corporation, and all disorderly and riotous persons committed to his charge in the night time by the town constable, for which he shall receive the same fees as in other cases of imprisonment.

May hold or convey property.

SEC. 9. *Be it enacted*, That where there has been conveyed by any person or persons to the former corporation of said town of Dresden any roads, streets, alleys, lots, grave yards or other property of any name, kind or description, the same shall inure to the benefit of said corporation hereby created, and vest in it forever; and in all cases where the town of Dresden, by commissioners, or by its mayor and board of aldermen, has heretofore sold and conveyed property, such sales and conveyances are hereby confirmed and made valid and good to the purchasers or their heirs and assigns.

Property liable for taxes.

SEC. 10. *Be it enacted*, That when any tax or duty shall be imposed or levied by said corporation upon any real estate, lying within said corporation, and the owner or owners, occupier or occupiers thereof, shall not pay the same, and the town constable shall make return of that fact, and that the owner or owners, occupier or occupiers, have no personal property within the said corporation, upon which to destrain for the said tax or duty, it shall be the duty of the recorder to report the same to the circuit court of Weakley county at the term to which the sheriff of Weakley county is required by law to report lands for the non-payment of taxes, and thereupon it shall be the duty of the said court to enter up judgment against the said real estate for the taxes or duties aforesaid, in like manner as judgments are rendered for the non-payment of the State and county taxes; and the same shall be sold by the sheriff at the same time and place, and in the same manner and under the same conditions as lands are sold upon which the state and county taxes have not been paid, which sale shall vest the title in the purchaser in the same manner and upon the same conditions as if the sale had been made for the taxes due the State and county, and the proceeds of said sale shall be immediately paid over by said sheriff to the recorder for the benefit of said corporation. And if the said sheriff shall fail to pay over all sums of money received by him by virtue of such sale, as required by this act, said sheriff and his securities shall and may be proceeded against by motion in the circuit court of Weakley county; and it shall be the duty of said court to enter up judgment for all monies so received, against the sheriff and his securities, with twelve and one half per cent. interest thereon, in favor of the said mayor and aldermen.

Liabilities of officers.

SEC. 11. *Be it enacted*, That if the recorder or constable of said town, shall fail or refuse to pay over any monies by

either of them received for the use of said corporation, such recorder or constable, as the case may be, and their securities shall be liable to be proceeded against by motion or suit at common law in the circuit court of Weakley county, or any other circuit court having jurisdiction of the person of such recorder or constable, as the case may be, and it shall be the duty of such court to enter up judgment against such delinquent officer and his securities for the money so received, and in the name of said mayor and aldermen, and for the use of said corporation: *Provided*, That if the proceeding be by motion, such officer shall have five days notice thereof.

Corporate limits.

SEC. 12. *Be it enacted*, That the corporate limits of said town of Dresden shall be as follows: Beginning on the south-west corner of the lot on which William B. Martin now resides; running thence north to Mud creek; thence up said creek with its meanderings to the Boydsville road; thence south to a stake, thirty feet south of the Female Academy building; thence in a direct line to the beginning.

May sell streets and alleys.

SEC. 13. *Be it enacted*, That the said mayor and aldermen shall have power to sell and convey all such alleys and streets in said town, as in the opinion of said mayor and alderman may be of no use, and the proceeds arising from such sale shall inure to the benefit of said corporation.

Eligibility to office.

SEC. 14. *Be it enacted*, That no person shall be eligible to the office of alderman, unless said person be the owner of real estate, or a householder in said corporation.

Repeal.

SEC. 15. *Be it enacted*, That all laws and parts of laws heretofore passed, in relation to the incorporation of the said town of Dresden, be and the same are hereby repealed.

Lewisburg extended.

SEC. 16. *Be it enacted*, That the corporate limits of the town of Lewisburg, in the county of Marshall, be and the same are hereby extended as follows: Beginning one hundred yards north of the north east corner of the present corporation; running thence west, south, east and north, so as to extend the corporate limits of said town one hundred yards on each side of the same: *Provided*, If the one hundred yards on each side of the present corporation will not include Capt. James P. Smith, Andrew Smith, the house and lot belonging to the heirs of Moore Houston, also the residence of C. W. Black, J. W. Callahan, Aaron Thompson and John Smith, then and in that case, the corporate limits shall be extended so as to include the above named residences and lots.

Election.

SEC. 17. *Be it enacted*, That the sheriff of Marshall county, by himself or deputy, shall hold an election on Saturday the 23rd of February, 1846, to ascertain the wishes of the citizens and landholders described in the 16th section of this act, at which all persons who are the owners of

real estate within said bounds, and all persons residing therein, who are entitled to vote in elections for members of the General Assembly, shall be entitled to vote. The voters wishing an extension of the corporation of Lewisburg, shall put on their ticket the word "corporation," and those opposed to it, shall put on their ticket the words "no corporation." If the majority of said voters shall be in favor of said extension, then so much of this act as relates to the said town of Lewisburg shall be in force and effect; but if the majority of said voters shall be opposed to said extension, then so much of this act as relates to the said town of Lewisburg shall have no force or effect whatever. The polls shall be opened at the court house in Lewisburg, at ten o'clock A. M., and close at four o'clock P. M., and the sheriff shall report and certify the result to the mayor and aldermen of Lewisburg, at their first meeting, who shall cause the same to be recorded.

Majority to change boundary.

SEC. 18. *Be it enacted*, That if a majority voting in the election provided for in the 17th section of this act, shall vote in favor of the said extension of the corporate limits of the said town of Lewisburg, from and after the report of the sheriff of Marshall county, to the mayor and aldermen of Lewisburg as aforesaid, all property and persons located within said extension of boundary, mentioned in the 16th section of this act, shall be in every respect subject to the same laws and regulations as in other parts of said corporation.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 15, 1846.

CHAPTER LXV.

A Bill to regulate Proceedings in the Action of Replevin.

When replevin may issue.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when the goods or chattels of any person or body corporate, may be seized or detained by another, or by any body corporate in violation of the right of such person or body corporate and against his, her or their will, the person or body corporate whose goods or chattels are so seized or detained, shall be entitled to institute an action of replevin against the person or persons, or body corporate, who shall have so seized or detained the same, in the circuit court of the county wherein said person or persons or body corporate so having illegally seized or de-

tained the said goods may be found, or where either of them may be found, and counterparts of the summons may issue to any other county when there may be several defendants, and all cannot be found in the same county.

Bond. SEC. 2. *Be it enacted*, That any person or persons, or body corporate, wishing to bring an action of replevi n, ma apply to the clerk of the circuit court of the county in which he wishes to institute the same, for a writ of replevin, who, upon the plaintiff giving bond in double the value of the property sought to be replevied, payable to the defendant, conditioned to be void, provided the plaintiff shall abide by and perform the judgment of the court in the premises, shall issue the same to the sheriff.

Summons. SEC. 3. *Be it enacted*, That in and by said writ the sheriff, coroner or constable, as the case may be, shall be commanded to summon the defendant or defendants to answer the plaintiff wherefore he detains his goods or chattels to his damage — dollars; which goods and chattels shall be described in said writ with reasonable certainty, and also that he take said goods or chattels out of the possession of the defendant or defendants, and deliver the same to the plaintiff or his order.

Clerk to value goods. SEC. 4. *Be it enacted*, That the clerk shall value said goods or chattels for the purpose of ascertaining the amount of the bond to be given by the plaintiff, which valuation shall be according to the description of the property in the writ; but if after the return of the writ of replevin, the court should at any time be of opinion that the bond is insufficient in form, amount of the penalty or in respect to the solvency of the securities, the court shall have power to remedy such defects in the bond by making such orders as the court may think proper, and the plaintiff may be held in custody of the court until the property is secured and the orders of the court relative to the insufficiency of the bond are complied with; and the court shall have power to make such other orders as may be considered expedient to secure the rights of the plaintiff or defendant. *Provided*, that nothing in this section shall be so constructed as to exempt clerks from any liability that may occur for a failure to take good and sufficient security.

Plaintiff file declarations. SEC. 5. *Be it enacted*, That it shall not be necessary, where there are several defendants in different counties, that there should be any other evidence of their residence than the bare suggestion of the plaintiff in order to obtain a counterpart of the writ.

Deft's. may test plea SEC. 6. *Be it enacted*, That upon said writ being duly returned, the plaintiff shall file his declaration as in other cases; and the defendant shall plead thereto as in other cases.

SEC. 7. *Be it enacted*, That the defendant may plead *not*

guilty, and all special matters of defence may be given in evidence under said plea; or the defendant may plead specially, if he wishes so to do.

Damages.

SEC. 8. *Be it enacted*, That should the jury find for the plaintiff, they shall ascertain his damages for the seizure and detention of the goods or chattels, during the time they were detained by the defendant, and the court shall give judgment for the same, and all costs, and execution shall issue accordingly.

Liabilities of plaintiff.

SEC. 9. *Be it enacted*, That where in replevin the verdict is for the defendant, the judgment shall be that the goods and chattels be returned, or that the plaintiff and his securities in the replevin bond pay the value thereof with six per cent. interest thereon and damages for the detention from the time of the seizure, which shall be determined by the seizure, which shall be determined by the jury and form a part of their verdict, and all lawful costs and execution shall issue accordingly; and should the plaintiff enter a *nolle prosequi*, or fail to prosecute his suit from any cause whatever, without first having returned the property replevied to the defendant, and satisfied the defendant for the detention, the court shall empannel a jury to ascertain the value of said property and damages for the seizure, or seizure and detention of the property, and when the jury have so found, the court shall give judgment that the plaintiff and his securities return said property to the defendant and pay the damages assessed, or on their failure to return said property, then, that the defendant recover against said plaintiff and his securities the value of said property and damages aforesaid, and execution may issue accordingly.

Plaintiff to make affidavit.

SEC. 10. *Be it enacted*, That before any action of replevin shall be instituted under the provisions of this act, it shall be the duty of the plaintiff, his agent or attorney, to file an affidavit with the clerk of the circuit court, in which affidavit the plaintiff shall state, according to his, her, or their information and belief that he, she or they, (as the case may be) are entitled to the possession of the property the plaintiff proposes to replevy, which property shall be described in the affidavit with reasonable certainty, and also that the said property was not subject to the seizure or execution, to which affidavit the plaintiff, his agent or attorney, shall be sworn by the said clerk.

Power of court.

SEC. 11. *Be it enacted*, That the court shall have power to direct and order the issuance of *alias* and *plurias* writs of replevin.

SEC. 12. *Be it enacted*, That when a writ of replevin has been issued and the officer whose duty it shall be to execute the same, from any cause whatever, cannot find the property mentioned in the writ, it shall be lawful for the said officer to make known the contents of the writ of replevin to

the defendant or defendants; and should the said officer by his return show that he has been unable to get possession of the property, and that he has made known the contents of the writ of replevin to the defendant or defendants, then the plaintiff may elect to declare against the defendant or defendants in trover or detinue, and may proceed to final judgment in trover or detinue without the aid of any additional summons; and when the plaintiff elects to declare in trover or detinue, the proceedings shall from that time be conducted as though the original writ had been issued in one of the last mentioned forms of action.

Trover or detinue.

Writs of replevin—when executed.

SEC. 13. *Be it enacted*, That writs of replevin may be executed on or made known to the defendant or defendents as provided in this act, at any time before the first day of the term of the court to which the same are returnable.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, January 15, 1846.

CHAPTER LXVI.

An Act to regulate the jurisdiction of Justices of the Peace upon notes of hand

Be it enacted by the General Assembly of the State of Tennessee, That from and after the first day of May next, justices of the peace in this State shall have jurisdiction of all notes of hand, other demands and obligations of which they now have cognizance under the existing laws, regulating the jurisdiction of justices of the peace, not sounding in damages, which call for current bank bills, in the same amount, and to the same extent that they now have upon notes of hand and other obligations that call for dollars.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 15, 1846.

CHAPTER LXVII.

An Act to amend an act, entitled, "an act for the relief of females, and to authorize the granting of divorces in certain cases." Passed January 20, 1840.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter, in all cases where any person may have removed to this State, or may hereafter remove to this State, and shall be of good character, and shall have resided in this State for two years next preceding filing his petition. And when such person shall have been abandoned for two whole years, next before filing his or her petition, maliciously and without a reasonable cause, by his wife or husband, or where he or she shall have been guilty of any of the acts constituting a good cause for a divorce by the laws of this State, whether such acts shall have been committed in this State or elsewhere, it shall be the duty of the courts having jurisdiction [to] decree divorces, to grant to such person, petitioning for that purpose, a divorce from the bonds of matrimony, notwithstanding such person may not have resided in this State at the time of committing such act, and notwithstanding said acts may have been committed in this State or elsewhere.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 15, 1846.

CHAPTER LXVIII.

An Act repealing the law declaring Wolf River navigable.

Be it enacted by the General Assembly of the State of Tennessee, That so much of an act, passed November 6th, 1837, chap. 39, page 63, as declares Wolf river navigable above the point where the main road leading from the town of Livingston, Tennessee, to Monticello, Kentucky, be and the same is hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 22, 1846.

CHAPTER LXIX.

An Act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Tennessee.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William H. Calhoun, George Ireland, James Peacock, Granville P. Smith, Beverly R. McKennie, John Coltart, James M. White, Howell S. Atkinson and Elijah Morton, the present officers of the Grand Lodge of the State of Tennessee, of the Independent Order of Odd Fellows, and their regular successors, be and they are hereby created a body politic and corporate, by the name and style of "The Grand Lodge of the Independent Order of Odd Fellows of the State of Tennessee," and by that name, are hereby invested with power and authority to acquire, hold, possess, use, occupy and enjoy real and personal estate to the amount of twenty thousand dollars, and to sell and convey, or otherwise dispose of the same under the by-laws, rules and regulations of said Lodge. *Provided*, Such by-laws, rules and regulations, be not contrary to the constitution of the United States, or the constitution or laws of the State of Tennessee. And said corporation, by its name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts or places whatsoever. To have and use a common seal, and the same to alter at their pleasure.

Repeal.

SEC. 2. *Be it further enacted*, That the right of any future Legislature to alter, repeal or amend this act is expressly reserved.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 19, 1846.

CHAPTER LXX.

An Act to incorporate the Harpeth and Charlotte Turnpike Companies.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That Robert McNeilly, William A. James, Jacob Harden, Thomas McNeilly and John C. Collier of the county of Dickson, and that William Carter, Samuel D. Atkinson, Benjamin C. Robertson and Aris Brown, of the county of Davidson, are hereby appointed commissioners to open books for the purpose of receiving subscriptions

to the amount of ten thousand dollars, to be applied to the construction of a road between the western terminus of Atkinson's road and the town of Charlotte, in Dickson county.

SEC. 2. *Be it further enacted*, That said sum of ten thousand dollars shall be divided into shares of ten dollars each; and when said sum of ten thousand dollars shall have been subscribed, the stockholders in the same shall meet at the courthouse in the town of Charlotte aforesaid, the commissioners, or a majority of them, having given thirty days notice of the same, in some newspaper published in Nashville, or otherwise. When the subscribers shall have convened as herein provided, they shall be constituted into a body politic and corporate, by the name of the Harpeth and Charlotte Turnpike Company; may own, sell and buy property, sue and be sued in their corporate name and character, and enjoy the rights, privileges and powers appertaining to bodies politic and corporate by law, until extinguished as hereinafter provided. The subscribers, or a majority of them, being present at their first meeting, shall elect five directors, who shall elect one of their number president of the board of directors; and the president and directors so chosen, shall be and continue in office two years, and until another election shall be had to fill their places, of which election notice shall be given by advertisement in some newspaper published in Nashville or otherwise, thirty days before said election.

Style of road.

SEC. 3. *Be it further enacted*, That said president, by and under the direction of said board, proceed to construct a road between the two termini above specified, on the same plan as that constructed by Samuel D. Atkinson, of which the road hereby authorized to be made is intended to be a continuation or extension.

Toll.

SEC. 4. *Be it enacted*, That said board of directors, upon the completion of said road, shall be authorized to erect two toll gates thereon, and shall be entitled to receive at each gate the following rates of toll, to wit: Wagon with eight horses, mules or oxen thirty cents; with six oxen, mules or horses, twenty-five cents; wagon with four or five horses, mules or oxen twenty-five cents; wagon with three horses, mules or oxen fifteen cents; wagon with two horses, mules or oxen ten cents; carts and pleasure carriages and carryalls five cents for each pair of wheels.

Length of charter.

SEC. 5. *Be it further enacted*, That said corporation shall have the privilege of receiving tolls as aforesaid for the term of twenty years, and until the legislature of this State shall abolish the same by law.

Bridge.

SEC. 6. *Be it further enacted*, That a good, safe and substantial bridge shall be erected over Jones' creek, seventeen feet wide in the clear.

When out of repair—penalty.

SEC. 7. *Be it further enacted*, That if any person or persons shall give information, on oath, to said commissioners, or any one of them, that said road is not kept in repair as contemplated by this act, it shall be the duty of said commissioners, forthwith to examine the same, and if they find such information to be true, it shall then be their duty to open said gates, and the same shall remain open until said road is put in repair, and so reported by said commissioners, for which service each commissioner, so employed, shall be entitled to receive from the president of the board of directors three dollars.

Commissioner—vacancy.

SEC. 8. *Be it enacted*, That if any or all of said commissioners shall die, remove from the county, or refuse to serve, it shall then be the duty of the county court, upon petition presented by any person or persons, to appoint another commissioner or commissioners to fill the vacancy.

Penalty.

SEC. 9. *Be it enacted*, That if any gate-keeper on said road, either directly or indirectly, exact or receive toll from any person or persons while the said road is out of repair and the gates opened by the commissioners, the president of said board, for and on behalf of the stockholders, shall forfeit and pay the sum of five dollars, to be recovered by such person or persons before any justice of the peace of said county.

Revocation.

SEC. 10. *Be it enacted*, That the General Assembly of the State of Tennessee may revoke all the privileges hereby conferred, after having paid to said board of directors, or when it shall be satisfactorily shown to said General Assembly, that any one or more counties have paid to said board a reasonable compensation for all improvements that may have been made on said road under this charter.

Chattanooga Rail Road.

SEC. 11. *Be it enacted*, That John W. Anderson, Wm. P. Hickerson, John O. Brixey, Michael Stephens and George W. Thompson, of Coffee county, be appointed commissioners to open books at the town of Manchester for subscriptions to the capital stock of the Nashville and Chattanooga Rail Road Company, and that they open such books on the 19th January, 1846, and keep the same open for ten days, and receive subscription of stock, and make return thereof as directed by the second section of the act passed December the 11th, 1845, incorporating the said Nashville and Chattanooga Rail Road Company.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 17, 1846.

CHAPTER LXXI.

An Act giving to the districts, formerly composing Putnam county, their just proportion of School Funds.

Be it enacted, by the General Assembly of the State of Tennessee, That when the fractions of White, Overton and Jackson, formerly composing Putnam county, shall by the county court clerks of said counties, make returns of the scholastic population of said fractions, for the year 1844 and 1845, to the Comptroller of the Treasury, and if it shall appear to his satisfaction, that they did not receive the school fund due to them for either or both of the years above mentioned, then and in that case it shall be his duty to pay to the trustees of the counties of White, Overton and Jackson the amount due to the fractions taken from each of their respective counties in composing the county of Putnam, and that the same, when paid, shall be applied to the exclusive benefit of said fractions.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 17, 1846.

CHAPTER LXXII.

An Act giving preference to executions issued by Justices of the Peace, in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That when an execution issued from a court of record, and an execution issued by a justice of the peace, shall be levied upon the same personal property, the execution first levied shall have preference.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 22, 1846.

CHAPTER LXXIII.

An Act to amend the Criminal Laws of this State in relation to the trial and punishment of accessories.

Be it enacted by the General Assembly of the State of Tennessee, That if any person shall feloniously move, incite, counsel, hire, command or procure any other person to commit any felony, the person so feloniously moving, inciting, counselling, hiring, commanding or procuring such other person to commit such felony, may be indicted and convicted either as an accessory before the fact to the principal felony, together with the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, and shall be punished as an accessory before the fact to such felony, as such accessories are now punished by law. And the offence of such accessory, before the fact to such felony, may be enquired of, determined and punished by any court which shall have jurisdiction of the principal felon. *Provided always*, That no person who shall be duly tried for any such offence, either as an accessory before the fact, or as for a substantive felony, shall be liable to be again indicted or tried for the same offence. *Provided*, That any person convicted under this act as accessory, before the fact of murder in the first degree, before the principal hs been convicted, shall be punished by imprisonment in the penitentiary for life.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 17, 1846.

CHAPTER LXXIV.

An Act to guard against packed juries in criminal cases.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter in all trials for felony the State shall be entitled to ten peremptory challenges.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 22, 1846.

CHAPTER LXXV.

An Act to legalize and make valid the proceedings of the courts and officers of the county of Putnam.

Whereas, By an act passed by the General Assembly of the State of Tennessee at its regular session of 1841 and 2, entitled "an act to establish the county of Putnam, to perpetuate the name and public services of General Israel Putnam, of the Revolutionary war," a county, formed of parts of the counties of Jackson, White and Overton, was established by the name of Putnam county; and in pursuance of said act said county was surveyed and organized, county and district officers were elected, and when required by law, commissioned and duly sworn and entered upon the duties of their respective offices; the circuit and county courts were regularly held for said county, at White Plains, the place designated in said act, at which said courts were to be held, and suits were instituted, and judgments rendered, and decrees pronounced in said circuit court, and before justices of the peace in said county; executions were issued from said courts, and by said justices of the peace, and levied by the proper officers, and property, both real and personal, were sold by virtue of said executions; marriages were solemnized; deeds and other instruments were proven and registered; wills were proved and administration of intestate's estates granted in said county court, and letters testamentary and letters of administration issued; guardians appointed, and other proceedings had in said county and circuit courts. *And whereas*, At March term, 1845, of the chancery court, at Livingston, by a decree pronounced in said court by the Honorable Bromfield L. Ridley, Chancellor, in the case pending in said court, of Patrick Pool and William Goodbar, complainants, against William H. Carr and other officers of said county of Putnam, defendants; said county was quashed on account of its reducing the counties of Jackson and Overton, each to a less content than 625 square miles, and other causes, which decree is final and not appealed from. *And whereas*, Great inconvenience and injury has arisen in consequence of the premises, to those interested in the proceedings had in said county: For remedy whereof;

Marriages &c. made valid.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all marriages regularly solemnized, and all deeds and other instruments of writing, duly proven and registered in said county, and all other proceedings, judgments, decrees and orders of the court, and of justices of the peace of said county of Putnam, and all levies and sales regularly made by virtue of executions issued from said courts, and by justices of the peace of said county, and

all sales made in pursuance of decrees of said circuit court and confirmed by said court, and all probates of wills, appointments of administrators, and all proceedings of the county court, regularly had in said county court, be and the same are hereby made legal and valid, as fully and completely as though the said county of Putnam had been at the time of said marriages, registrations, judgments, decrees, orders, levies, sales, and other legal proceedings, a constitutional county.

Clerks do file papers in Jackson county.

SEC. 2. *Be it enacted*, That the clerks of the county and circuit courts of said county of Putnam, shall file their records and papers belonging to their respective offices in the county and circuit courts of the county of Jackson, and it shall be the duty of the clerk of the circuit court of Jackson county to issue executions on all unsatisfied judgments of the circuit court of the said county of Putnam, for the balance due of the judgments and costs of suits. And the circuit court of Jackson county shall proceed to try and determine all suits commenced in said county of Putnam and undetermined, in the same manner as if the suits had been regularly commenced in said county of Jackson. And the justices of the peace of said county of Putnam, shall hand over their records, papers and dockets to the justices of the peace who shall hereafter be elected and commissioned, in the districts in which said justices hereafter to be commissioned as aforesaid, as though the same had been commenced before them respectively.

Fractions of counties.

SEC. 3. *Be it enacted*, That the county and circuit clerks of said county of Putnam, shall file their records and papers in their respective offices in the circuit and county courts of the fraction of territory where the parties live, and the same shall be proceeded in as designated in this act. And the business in said offices shall in all cases be transferred to the old county having jurisdiction, and shall be proceeded in as is prescribed in this act for the county of Jackson.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 17th, 1846.

CHAPTER LXXVI.

An Act for the relief of the Militia in the 3d Civil District in Morgan county, and the Militia of the 19th Civil District in Monroe county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the militia in the third civil district in Morgan county, and the militia in the nineteenth civil district in Monroe county, shall be exempted from attending battalion and regimental musters. Exempt from Batt. and Reg. muster.

SEC. 2. *Be it enacted*, That it shall be the duty of the said militia, to attend company musters as now provided by law. And the captains of each company in each of the aforesaid civil districts, shall report to the colonel commandant, at such regimental muster, the number of militia in said civil districts belonging to their respective companies. To attend company musters

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 22, 1846.

CHAPTER LXXVII.

An Act to amend the act of 1831, chap. 90, with regard to the probate of deeds

Be it enacted by the General Assembly of the State of Tennessee, That if any clerk, of any of the county courts in this State, may have or shall unintentionally omit any words in a certificate of an acknowledgement or probate of any deed or other instrument, as required by the second and third sections of the above recited act, such omission of such word or words, shall in no wise vitiate the validity of such deed, but the same shall be good and valid to all intents and purposes. *Provided*, The substance of the probate required by said act is in said certificate.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 22, 1846.

CHAPTER LXXVIII.

An Act to authorize an adjudication of the accounts of the Committee appointed by the 25th General Assembly to investigate the affairs of, and settle with the Internal Improvement Companies.

Commissioners. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Honorable William B. Reese, Nathan Green and William B. Turley, Judges of the Supreme Court, be and they are hereby constituted and appointed Commissioners to adjudicate and award upon the claims of Robert W. Powell, Robert Farquharson and Valentine Sevier, for expenses incurred by them in the investigation of the affairs of the Internal Improvement Companies, by authority of an act of the last General Assembly; and also, to determine and award such compensation as in their judgment may be just and proper, taking into consideration the amount and character of services rendered, and the results upon the interests of the State.

Appropriation. SEC. 2. *Be it enacted*, That the amount of expenses and compensation, if any so awarded, as provided in the first section of this act, be and the same is hereby appropriated; and the Comptroller is hereby authorized and required to issue a warrant upon the Treasurer in favor of the members of said committee, respectively, for the amount so awarded, which shall be conclusive against all claims of said committee for compensation or expenses incurred.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 17, 1846.

CHAPTER LXXIX.

An Act to declare Poplar creek navigable.

Be it enacted by the General Assembly of the State of Tennessee, That Poplar creek be and is hereby declared navigable from its mouth, in Roane county, to the bridge, near Richard Olliver's, in Anderson county.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 22, 1846.

CHAPTER LXXX.

An Act to repeal the twenty-sixth section of an act passed the 11th January, 1842, entitled "an act to carry into effect an act of Congress, passed and approved the 18th day of February, 1841, authorizing the State of Tennessee, to perfect titles to the vacant and unappropriated lands South and West of the Congressional Reservation Line in this State," and for other purposes.

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the twenty-sixth section of the above recited act passed 11th of January 1842, be, and the same is hereby repealed.

Consolidated entry.

SEC. 2. *Be it enacted*, That when any person shall be the lawful owner of more than one occupant claim which has heretofore been plainly marked out and surveyed, and spread on the general plan of the county in which said land may lie, and the same shall lie adjoining each other, it shall be lawful in paying for the same, and perfecting a grant to enter such occupant claims in one entry, and the county surveyor in which said occupant claims may lie, shall make out a plat for the same, for which he shall receive the sum of fifty cents for each occupant claim so entered and consolidated in one entry, and this shall supersede the necessity of any other survey.

Fees.

SEC. 3. *Be it enacted*, That all entry takers and registers in this State, shall consider all occupant claims so consolidated or entered in one entry, as mentioned in the second section of this act, as one tract and charge their fees accordingly.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 20, 1846.

CHAPTER LXXXI.

An Act to charter the Newport Turnpike Road.

Corporation sole.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William C. Story, of the county of Cocke, be and he is hereby created a corporation sole, and as such is authorized to open, establish and keep in repair a turnpike road, being a part of the road leading from Newport, in Cocke county, to Sevierville, in Sevier county; and the said William C. Story is hereby authorized as aforesaid, to open and keep in repair said road; commencing at William Wilson's, in Cocke county, passing through a corner of Jefferson county on the route and ground as laid off

and marked out by the commissioners appointed for that purpose, by an act, passed the 30th December, 1843, chap. 52, to Finley Patterson, in Sevier county.

Style of road.

Sec. 2. *Be it enacted*, That said William C. Story shall open, build and make said road equal to a first class road, according to the laws of Tennessee, at all places where the ground over which said road passes will admit of it to be done, and shall erect bridges and causeways where necessary.

Commissioners to view.

Sec. 3. *Be it enacted*, That William Ogden, of Cocke county, A. J. Lewis, of Jefferson county, George Fox and John Walker, of Sevier county, are hereby appointed commissioners to view said road; and when the said William C. Story shall give them notice that said road is opened and in good repair, it shall be the duty of said commissioners to attend and view said road; and if they find it opened in the manner prescribed by this act, then the said commissioners shall, and they are hereby authorized and required to issue a license, under their hands and seals, to the said William C. Story, to erect a toll gate on said road, at any place he may think proper; and it shall be the duty of said commissioners, by this act appointed, to examine and view said road once in every six months at least, and oftener if, from satisfactory information, they are informed that said road is out of repair; and if at any time the said commissioners shall find said road not in the repair contemplated by this act, it shall be their duty to open said proprietor's gate and keep the same open while the road remains out of repair, and until the proprietor shall notify them that said road is in the repair contemplated by this act; and on receiving such notice, it shall be the duty of said commissioners to examine said road, and should it be found in the repair required by this act, it shall be the duty of said commissioners to shut the gate for receiving toll; and should the proprietor directly or indirectly receive toll at said gate, while the same is directed to be kept open by the commissioners aforesaid, such proprietor shall forfeit and pay the sum of twenty dollars, to be recovered by action of debt, before any justice of the peace in this State, in the name of the person who shall sue for the same. And should said commissioners, from their own view or other satisfactory information, find that said road has been out of repair for two week together, at any one time, it shall be their duty to make report thereof to the county court of Cocke county or Sevier county, and the same shall be recorded, a copy of which shall be *prima facia* evidence against said proprietor in all suits that may be brought against him.

Tolls.

Sec. 4. *Be it enacted*, That said proprietor shall be and he is hereby authorized to erect a toll gate on said road, at any point which he may think proper, and shall be entitled

o receive the following rates of tolls, to wit: For each wagon nd team of six horses seventy-five cents; for each wagon and eam of four horses fifty cents; cart and driver twenty-five ents; for each carryall wagon twenty-five cents; for each our wheel pleasure carriage, if drawn by two or more horses, fifty cents, if drawn by one horse twenty-five cents; or each two wheel pleasure carriage eighteen and three-ourth cents; for each man and horse or mule ten cents; for ach led horse five cents; for all loose horses or mules in a drove two cents each; for each head of cattle, hogs or sheep ne cent. *Provided*, That no person shall be required to pay toll who may be going or returning on the prosecution f neighborhood business, or who may be going to or returning from mill, muster, court blacksmithshop or church.

Sec. 5. *Be it enacted*, That if any part of said road shall be out of repair at any time after it is received by said commissioners, by which any person shall sustain any damages in person or property, said person may have and maintain an action in the case against such proprietor for such damages.

Damages.

Sec. 6. *Be it enacted*, That if any person or persons shall pass said gate arbitrarily, or within one mile thereof, for the purpose of avoiding the toll, such person or persons shall forfeit and pay for every such offence, to the proprietor of said turnpike road, the sum of fifty dollars, to be recovered by action of debt before any justice of the peace for this State.

Penalty for avoiding gate.

Sec. 7. *Be it enacted*, That the proprietor of said turnpike road shall have the same measured and plainly mile marked, and shall keep the same in good repair as required by this charter, and in case he shall fail to do so, he shall be subject to indictment and presentment as overseers of public roads are indictable and punishable in like cases.

Sec. 8. *Be it enacted*, That whenever the said William C. Story shall have more than half completed said road, said commissioners shall give him a license to shut his gate and to exact and receive one half of the rates of tolls above mentioned.

Road to be mile marked.

Sec. 9. *Be it enacted*, That the said William C. Story shall have the term of eighteen months from and after the passage of this act, to open and complete said road.

When a gate may be opened.

Sec. 10. *Be it enacted*, That this charter is hereby given and granted to the said William C. Story, his heirs and assigns, for the term of thirty-five years. That the commissioners appointed by this act, shall before they enter upon the duties of their appointment, subscribe the following oath, to wit: "I do solemnly swear, that I will well and truly perform the duties enjoined on me by this act, according to the best of my knowledge and abilities—So help me God. And the said commissioners shall be entitled to re-

ceive at the rate of one dollar per day for every day they may be necessarily engaged in performing the duties enjoined on them by this act, to be paid by the proprietor of said turnpike.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, January 20, 1846.

CHAPTER LXXXII.

An Act to change the times of holding certain Circuit and Chancery Courts and for other purposes.

Circuit court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the following changes are hereby made in the times of holding the circuit courts in the fourth judicial circuit, viz: the court for the county of DeKalb, shall be held on the first Mondays in February, June and October; White county, second Mondays in February, June and October; Fentress, third Mondays in February, June and October; Overton, fourth Mondays in February, June and October; Jackson, first Mondays in March, July and November; Macon, second Mondays in March, July and November; Smith, fourth Mondays in March, July and November.

Chancery court.

SEC. 2. *Be it enacted*, That the following chancery courts in the fourth chancery division be hereafter held at the following times, viz: at La Fayette, on the fourth Mondays in January and July; at Gainsborough, on Wednesdays after the fourth Mondays in January and July; at Winchester, on Wednesdays after the third Mondays in February and August; at Sparta, on Wednesdays after the second Mondays in March and September; at Livingston, third Mondays in March and September; at Smithville, Thursdays after the third Mondays in March and September; at M'Minnville, on the fourth Mondays in March and September; at Woodbury, the fourth Mondays in April and October.

First term of circuit court.

SEC. 3. *Be it enacted*, That the first term of the circuit court in each of the counties in the fourth circuit, shall be holden as heretofore.

In Obion c'ty.

SEC. 4. *Be it enacted*, That from and after the first day of April next, the circuit courts for Obion county, shall be held on the fourth Mondays in February, June and October; and that the chancery courts at Lawrenceburgh, shall hereafter be held on the second Mondays in June and December in

In Lawrenceburgh.

each and every year, and all suits pending in said court and all process issued, or to be issued therefrom and returnable on the fourth Monday in May next, be, and the same are hereby continued over to the second Monday in June next. In Lincoln.

SEC. 5. *Be it enacted*, That so much of the act passed the 22d December, 1845, as relates to the circuit courts of Lincoln county, be, and the same is hereby repealed, and the circuit courts of Lincoln county shall be holden on the first Mondays in February, June and October as heretofore. Town of Ripley.

SEC. 6. *Be it enacted*, That the county court of Lauderdale county, be, and they are hereby authorized to fill any vacancy or vacancies that may occur in the board of commissioners for the town of Ripley.

Chancery court at Jackson.

SEC. 7. *Be it enacted*, That there shall be a chancery court established at Jackson, for the county of Madison, and the said court shall be held by the Chancellor of the Western division of the State on the first Tuesdays after the first Mondays in June and December, in every year, and the Chancellor shall appoint a clerk and master of said court under the same rules, regulations and restrictions that other clerks and masters are appointed.

At Harrison.

SEC. 8. *Be it enacted*, That the chancery court at Harrison, shall hereafter be held on the first Mondays of March and September in each year, and that all process made returnable to said court on the third Monday in March next, shall be returned on the first Monday, and shall be as good and valid in all respects as if this change had not been made; and all causes now pending and not finally disposed of in the chancery courts at Cleaveland and Pikeville, the parties to which are now or were at the time of the institution of the suits, resident citizens of Hamilton county, shall be transferred to the chancery court at Harrison, and it shall be the duty of the clerks of the chancery courts at Pikeville and Cleaveland, to make out and certify full and complete transcripts of all orders, decrees and entries upon their minute and rule dockets in relation to such causes, and to deposit such copies so certified, together with the original papers in such causes with the clerk and master of the chancery court at Harrison, on or before the first Monday in March next, where such causes shall be proceeded in as they would have been in the court from which they were transferred; and in case of failure by the clerks to make out such transcripts and to deposit the papers as herein required, it shall be the duty of the Chancellor at the first term to direct such transfer to be made.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 21, 1846.

CHAPTER LXXXIII.

An Act fixing the time of taking up the causes in the Mountain Counties.

Be it enacted by the General Assembly of the State of Tennessee, That the supreme court shall permanently fix the time of taking up the dockets of the fourth and thirteenth circuits, so as to hear one immediately after the other. All causes upon the law, equity and criminal dockets in said circuits shall be heard, and said court in fixing the time shall as much as possible avoid conflicting with the courts in said circuits so as to enable the attorneys in said remote courts to attend to their cases, and said circuits shall invariably be taken up according to the provisions of this act.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 21, 1846.

CHAPTER LXXXIV.

An Act explanatory of the act of 1838, chapter ccvi, entitled "an act to amend an act entitled an act to incorporate a company for opening a turnpike road from Nashville to the top of the ridge about one mile from Elijah Robertson's in a direction from Nashville *via* Charlotte to the Western District and for other purposes." Passed December 20, 1831.

Be it enacted by the General Assembly of the State of Tennessee, That the "mountain grade" designated in the 2nd. sec. of said act shall signify an angle upon the horizon of 5¾ degrees at most, and that the proprietors of said road be allowed the period of nine months from the passage of this act, to bring the condition of the road within the meaning of this provision.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 21, 1846.

CHAPTER LXXXV.

An Act to place the Bank of Tennessee on the same footing as the Stock Banks of the State.

Be it enacted by the General Assembly of the State of Tennessee, That the Bank of Tennessee is hereby authorized to issue bills of the same denomination as the Stock Banks in this State are authorized to issue by their charter.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 21, 1846.

CHAPTER LXXXVI.

An Act to increase the jurisdiction of Justices of the Peace in endorsement cases.

Be it enacted by the General Assembly of the State of Tennessee, That the jurisdiction of justices of the peace in this State shall hereafter be co-extensive on endorsements by the terms of which demand and notice are expressly waived with their jurisdiction by existing laws on notes of hand, and they may render judgment jointly against the maker or drawer of such negotiable instrument and the endorser or endorsers thereof, and issue execution accordingly, which execution shall be satisfied by the officer to whose hands it may come first, out of the property of the maker or drawer, or in case of their failure then out of the property of the endorsers in the order of their liability.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 21, 1846.

CHAPTER LXXXVII.

An Act to incorporate the New Market Female Institute in the county of Jefferson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert M. Anderson, Daniel Meeke, B. F. McFarling, A. P. Caldwell, Archibald Blackburn, R. F. Campbell, Joseph D. Hodges, Jacob Dick, William H. Trustees.

Moffitt, C. T. P. Jarnagin, A. H. Matthews, John S. Moffitt, H. T. Dick, Joseph B. M. Reese, William H. Harrison and John S. Goforth be and they are hereby constituted a body politic by the name of the trustees of the New Market Female Institute, and shall have perpetual succession, and be capable in law or otherwise to purchase, receive and hold to themselves and their successors any lands, tenements, goods or chattels which shall be given, devised to them, or purchased by them for the use and benefit of said Academy, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper for the use and benefit of the Academy aforesaid, and the trustees and their successors by the name aforesaid may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

Election of officers.

SEC. 2. *Be it enacted*, That the trustees aforesaid and their successors shall have power to hold such meetings at said academy at such times as may be agreed upon from time to time by a majority of the board of trustees aforesaid, to appoint a president, secretary and treasurer of said board, and fill all vacancies that may happen by death, resignation or otherwise, but not less than five members shall constitute a quorum to transact any business relating to the management, interest or government of said Institution.

By-laws.

SEC. 3. *Be it further enacted*, That said board of trustees, together with their secretary and treasurer, shall have power to make such by-laws, rules and regulations, relative to said academy and their own proceedings, as a majority of said board may deem right and proper. *Provided*, They are not inconsistent with the constitution and laws of the United States and of the State of Tennessee.

Mount Hebron Seminary.

SEC. 4. *Be it enacted*, That Adam Rayburn, James M. Stephens, Samuel Hancock, William Gibson, Robert McCrary, William S. Watterson and William McDaniel, of the county of Coffee, be and they are hereby constituted a body politic and corporate, by the name and style of the President and Trustees of the Mount Hebron Seminary, and as such they and their successors shall have succession for one hundred years, and use a common seal, and be capable in law, of purchasing, receiving and holding property, both real and personal, not exceeding fifty thousand dollars, which may be purchased, given, granted and delivered to them for the use and benefit of said seminary, and to appropriate, use and dispose of the same in such manner as shall to them seem right and proper for the use and benefit of said seminary. And the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court, either in law or equity.

SEC. 5. *Be it enacted*, That said trustees and their succes-

sors shall have power to hold meetings at such times and places as may be agreed upon from time to time by a majority of the board of trustees aforesaid, and to elect one of their own body president, and a secretary and treasurer for said board; to fill all vacancies that may happen by death, removal or resignation, or otherwise; but not less than four of said trustees shall constitute a quorum to transact business relating in any manner to the management or government of said seminary. Election of officers.

SEC. 6. *Be it enacted*, That said board of trustees shall have power to make such by-laws, rules and regulations relating to said Seminary and the government thereof, as a majority of said board may deem right and proper, not inconsistent with the constitution and laws of the State of Tennessee. By-laws.

SEC. 7. *Be it enacted*, That Lea Dyer, Richard Hayworth, John Oldham, Joseph B. M. Reese and John B. Wilkerson, be and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of the Black Oak Grove School, and shall have perpetual succession, and a common seal; and that they and their successors, by the name aforesaid, shall have and they are hereby invested with all legal powers and capacities, to buy, receive, possess, hold, alien and dispose of any property for the use and benefit of the institution and for no other use or purpose whatsoever; and may sue and be sued, plead and be impleaded in any court whatever, and to do whatever may by them be deemed necessary for the advancement of general literature in said Institution. Black Oak Grove School.

SEC. 8. *Be it enacted*, That a majority of said trustees shall constitute a board to transact any business of the Institution, and shall have full power and authority to elect a president and such professors, tutors and other officers in said school as they may deem necessary; to fix their salaries, and to make such by-laws, rules and regulations as in their opinion may be expedient or necessary. *Provided*, Such by-laws and regulations are not inconsistent with the constitution and laws of the United States or of this State. Election of officers.

SEC. 9. *Be it enacted*, That the estates and funds already acquired, and such as may be hereafter possessed, shall be and remain for the use of said school, and for the advancement of learning, and shall not be devoted to any other use or purpose.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 22, 1846.

CHAPTER LXXXVIII.

An Act to authorize the several county courts in this State to elect a coroner on the first day of the term.

Be it enacted, by the General Assembly of the State of Tennessee, That the county courts of the several counties in this State may hereafter elect their coroners on the first day of their session.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 21, 1846.

CHAPTER LXXXIX.

An Act to repeal the act of 1831, chap. 47.

Be it enacted by the General Assembly of the State of Tennessee, That the act of 1831, chap. 47, sections three and four, be and the same are hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 21, 1846.

CHAPTER XC.

An Act to tax and regulate Tippling and Tippling houses, and to increase the Revenue.

License to sell liquor.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for any person or persons to vend or sell spiritous or vinous liquors by any quantity the purchaser or purchasers may desire, with the following conditions: that before entering into said business, he, she or they shall go before the clerk of the county court of the county in which he, she or they wish to sell spiritous or vinous liquors, and to make oath that the amount of spiritous or vinous liquors at his, her or their establishment does not exceed two hundred and fifty dollars, on which affidavit he, she or they shall pay a tax of twenty-five dollars to said clerk for the use of the State, together, with such additional sum—not exceeding the State tax for county and cor-

poration purposes—as may be imposed by the county court or the mayor and aldermen of the incorporated town in which such business may be carried on; on the receipt of which, the clerk shall issue a license for one year, and if the amount is above two hundred and fifty dollars, said applicant or applicants shall pay an additional sum of ten dollars, for each hundred dollars' worth above said amount.

Corporation and county court may impose tax.

SEC. 2. *Be it enacted*, That the mayor and aldermen of all incorporated towns in which any person may keep a tippling house under the provisions of this act, and the county courts of the respective counties, shall have the same power to impose a tax for the benefit of the corporations and counties as is now imposed by this act for the benefit of the State; in no case shall the corporation or county taxes for exercising such privilege, exceed the State tax.

Oath.

SEC. 3. *Be it enacted*, That before said clerk shall issue such license, the applicant or applicants, shall take and subscribe the following oath: I do solemnly swear—(or affirm, as the case may be)—that I will not, under the license which I am about to obtain, retail any spiritous or vinous liquors to any slave, nor, knowingly, permit the same to be done without the permission of the master, mistress or overseer of such slave in writing; and I do further swear, that I will not knowingly, permit or allow any gaming for whiskey, wine, rum, brandy, money or any thing to eat or drink or other valuable things, in the house in which I may retail spirits, or on my premises, or in any other place procured by him, her or them for that purpose, and if any person should game or bet, to my knowledge, I will give information thereof to the Grand Jury of my county, at the next term of the court: so help me God. And every agent employed shall also take the oath not to sell to slaves and not to allow or permit any gaming, and to give information thereof as prescribed in the third section of this act; and if any agent shall be employed without taking such oath, such agent and his principal shall be indictable as if no license had issued; *Provided*, that nothing this act contains shall be so construed as to authorize a license to issue in any case to a free person of color, or to any person who from infamy or other cause is an incompetent witness in the courts of justice in this State; *Provided also*, that nothing in this act shall be so construed as to authorize the sale of vinous or spiritous liquors on Sunday.

No license to free negroes.

License without oath void.

SEC. 4. *Be it enacted*, That the oath shall be recorded and preserved by the clerk, and also, endorsed on the back of the license, and every license which may be issued without said oath being taken and endorsed thereon, shall be void; and any person who shall violate said oath or any part thereof, shall be guilty of perjury, and shall, on conviction, be punished as in other cases of perjury, and if any

person who may violate any of the provisions of this act, and shall retail spirits thereafter, shall be liable to punishment in the same manner as if he, she or they had no license; and in case of partners engaged in retailing spiritous or vinous liquors no license shall be valid unless all the partners shall take the oath required in this act; and a violation of this act by an agent, with the knowledge of the principal, shall have the same effect as a violation by the principal or principals.

Capital invested.

SEC. 5. *Be it enacted*, That it shall be the duty of every person who shall obtain license under this act, at the end of the year, to appear before the clerk of the county court in which he, she or they obtain such license, and to render to such clerk a statement on oath of the amount of capital which they have at every separate purchase during the continuance of such license vested in spiritous or vinous liquors for sale under such license, and shall pay for said amount or amounts so purchased in proportion to the conditions prescribed in the first section of this act, and shall enter into bond with two or more good and sufficient securities, in the sum of five hundred dollars payable to the Governor of the State of Tennessee, and his successors in office, for the use of the State, conditioned to keep a peaceable and orderly house; and at the end of twelve months appear before the clerk of his, her or their county, and state on oath the amount of purchases made since the issuance of the last license, and to do and perform all other things required of him, her or them by the provisions of this act.

Bond and security.

Penalty for violation.

SEC. 6. *Be it enacted*, That it shall be the duty of the clerks of the county courts, the justices of the peace and constable of the district where such privilege is exercised, to notify the attorney general of the district of any violation of the conditions of such bond of this act, which may come to their knowledge, whose duty it shall be, upon such information, to enforce the criminal laws in case of their violation or the collection of the bond in the circuit court, for which the attorney general shall be entitled to a tax fee of five dollars; the penalty when recovered shall be paid to the clerk of the circuit [court,] and accounted for as other monies received by him for the State.

Clerk's fees.

SEC. 7. *Be it enacted*, That the clerk shall be entitled to, and receive the following fees: for taking out affidavits twenty-five cents; taking bond and security one dollar; for issuing license fifty cents.

Misdemeanor to sell without license.

SEC. 8. *Be it enacted*, That if any person or persons shall retail vinous or spiritous liquors without first obtaining a license therefor, he, she or they, their aiders or abettors shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as in other cases of misdemeanor.

Clerks to pay over.

SEC. 9. *Be it enacted*, That it shall be the duty of the several clerks of the county courts in this State, to account for, in their annual settlements, and pay over into the treasury of the State, all monies by them collected under the provisions of this act, for State purposes; and to the trustee of the county, such amount as he shall have received for county purposes. And to the treasurer of the board of mayor and aldermen, of any incorporated town, the sum collected for corporation purposes therein, as they are now required to account for and pay over other State and county revenue. It shall also be their duty to present to the grand jury of their county, at every term of the circuit court, a list of all persons who may have taken a license for the purpose of retailing vinous or spiritous liquors.

Debt not recoverable.

SEC. 10. *Be it enacted*, That no debt created by the retail of spiritous or vinous liquors, by a less quantity than the gallon, shall be recoverable by law; *Provided*, said debt exceeds ten dollars, in a running account for liquors sold by retail, under the provisions of this act.

Selling to slaves.

SEC. 11. *Be it enacted*, That this act shall not be so construed as to repeal any act or acts heretofore passed and now in force, for the preventing of the sale or retailing of vinous or spiritous liquors, to any negro slave or slaves; but said act or acts shall be so construed as if this act had not passed.

Disorderly house, &c.

SEC. 12. *Be it enacted*, That if any retailer, licensed as aforesaid, shall knowingly and wilfully keep a disorderly house, or permit gaming in his said house, or on his premises, or sell to any slave, without a permit in writing, and be convicted thereof, shall be forever afterwards disabled to obtain a license under this law; and if such license be granted, the same shall be void.

Indictment.

SEC. 13. *Be it enacted*, That in all cases arising under the provisions of this act, the attorney general may file bills of indictment *ex officio*, and it shall be the duty of grand jurors to send for witnesses in all cases in which they, or either of them, may suspect a violation of this act; and it shall be the duty of the judges of the circuit and criminal courts, to give this act in charge.

Clerks to give bond.

SEC. 14. *Be it enacted*, That the clerks of the county courts of the counties respectively, whose duty it is made to receive the monies herein provided to be paid for licenses, shall at the first court of the counties after the passage of this law, or on the first Monday in February, 1846, or any subsequent term of said courts, enter into bond and security in the sum of not less than one nor more than ten thousand dollars, to account for and pay over the monies by them received under this act, to the State, counties and towns respectively, and for the faithful performance of all the duties imposed on them by this act.

Paying over of moneys.

SEC. 15. *Be it enacted*, That said clerks shall account for and pay over said monies to the State, counties and towns, and the same shall be due on the first Mondays in June and January annually, and if said clerks fail or refuse to pay over said monies in their hands to the State, counties and towns respectively, judgment shall be entered up on behalf of the State or counties or towns respectively on the bonds of the clerks aforesaid, for the amount so due, with ten per cent damages. This judgment, on motion, may be had at the instance of the attorney general of the district and he shall have therefor a fee of ten dollars, taxed in the bill of costs against the defendant.

County court to lay tax.

SEC. 16. *Be it enacted*, That the county courts in the several counties in this State may at any term of the county courts for the year 1846, assess such tax as they may choose, under the provisions of this act on retailers of spiritous or vinous liquors, and forever after on the first Monday of January in each and every year as now proposed by law; *Provided*, nothing in this act shall be so construed as to prevent the sale of spiritous or vinous liquors by the quart or larger quantity not to be drank on the premises.

Quart may be sold.

License for one place.

SEC. 17. *Be it enacted*, That no person or persons shall be authorized to retail at more than one place under one license.

Selling to minors.

SEC. 18. *Be it enacted*, That no retailer or firm of retailers shall sell to any minor after receiving written notice from the parent or guardian, or other person having the care and custody of such minor not to do so, and if any person or persons having a license to retail, shall sell to any minor, after receiving the notice mentioned in this section, shall be subject to presentment or indictment as if he or they had no license.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 23, 1846.

CHAPTER XCI.

An Act to declare the consent of the Legislature of Tennessee to the purchase by the United States, of the site for a Naval Depot at Memphis.

Whereas, The Legislature of the State of Tennessee memorialized the Congress of the United States to establish a Naval Depot or Dock Yard within the bounds of the State of Tennessee, at or near Memphis, on the Mississippi river. *And whereas*, The Congress of the United States has established a Naval Depot at Memphis—and the United States have purchased land for the same at Memphis, on the Mississippi river, including the mouth of Wolf river and part of the town of Memphis, and have received deeds from the proprietors and owners therefor—Therefore,

Be it enacted by the General Assembly of the State of Tennessee, That the Legislature of the State of Tennessee do consent to and confirm said purchase so made by the United States, and do hereby cede to the United States all the right or claim which the State of Tennessee has in and to the land included within the metes and bounds of said deeds to the United States for the purpose of a Naval Depot, Dock Yard, Armory, Arsenal or Navy Yard of the United States. *Provided nevertheless*, That the said State of Tennessee reserves to herself the right, that all civil and criminal process issued under the authority of the State of Tennessee may be executed on the lands so ceded, in like manner as if this cession had not been made.

Cession.

Reservation.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 23, 1846.

CHAPTER XCII.

An Act for the benefit of the Memphis Hospital.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the State tax on merchants license, within the county of Shelby, be and the same is hereby appropriated, for and during the period of two years from and after the first day of January last, to the exclusive use and benefit of the Memphis Hospital. And it is hereby made the duty of the county court clerk, of Shelby county, to pay to the trustees of said Hospital the State tax on merchants license as aforesaid, for two years from the first day of January, whose receipt shall be a good and sufficient

State tax appropriated.

voucher for him in a settlement with the Comptroller of the Treasury of the State for the same.

Proviso. SEC. 2. *Be it further enacted*, That if the State tax on merchants license, in the said county of Shelby, shall amount to more than five thousand dollars annually, such excess shall be paid into the treasury as other like funds. *Provided*, That if the Congress of the United States shall make an appropriation for the benefit of said Hospital, then the revenue herein appropriated to the same, shall be paid into the Treasury of the State, and the appropriation hereby made shall cease.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 22, 1846.

CHAPTER XCIII.

An Act to incorporate the Mill Creek Valley Turnpike Company.

Commissioners. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That E. C. Butler, Dr. Lafayette Ezell, Hinchy Petway, Clement W. Nance, Charles M. Hays, Hays Blackman, James Hamilton, Thomas Bell, Alexander Carper, John G. Briley, William H. Haynes, Nathan H. McFadden, David R. Gooch, Joel A. Battle, William M. Battle, of Davidson county, Joseph Kimbro, William G. Roulhac, John Shacklett, John C. Gooch, Charles H. Walden, of Rutherford, be and they are hereby appointed commissioners to open books at any time and place they may choose, for the subscription of stock, to be used in constructing a McAdamized turnpike road from some suitable point on the Nolensville road to Bowling Green, in Rutherford county.

Capital. SEC. 2. *Be it enacted*, That the capital stock of said company shall be thirty thousand dollars, divided into shares of twenty-five dollars each.

Election of officers. SEC. 3. *Be it enacted*, That so soon as five thousand dollars of said stock shall be subscribed, any three or more of said commissioners shall call a meeting of the stockholders in said company, at the Antioch meeting house, by giving fifteen days notice of the time and place of meeting, in some newspaper printed in Nashville. And at such meeting the subscribers for stock in said road shall elect seven directors, one of whom shall be President, who shall hold their office for two years, and until their successors are elected.

Route.

SEC. 4. *Be it enacted*, That the president and directors may, in such manner as they may think best, solicit and procure additional subscriptions for stock, and shall either by themselves or by some competent person or persons, appointed by them, mark, lay out and locate said road, commencing at or near the four mile point from Nashville, on the Nolensville Turnpike, running near Thompson's mills; thence up the valley of Mill creek, crossing main Mill creek at or near Rains' mills, continuing up the valley of Mill creek, passing Antioch meeting house, across Collier's creek to Bowling Green, in Rutherford county, upon the most practicable route.

Style.

SEC. 5. *Be it enacted*, That said president and directors shall cause said road to be graded twenty-five feet wide, and within five degrees of a level, and covered with fine beaten stone or gravel, sixteen feet wide and nine inches deep, with ditches on each side.

Incorporation.

SEC. 6. *Be it enacted*, That said president and directors shall be and are hereby made a body politic and corporate; may sue and be sued, plead and be impleaded by the name and style of the Mill Creek Valley Turnpike Company, and shall have all the privileges, rights and immunities given by law to the Franklin turnpike company.

Tolls.

SEC. 7. *Be it enacted*, That said company may erect a gate, charge and receive tolls upon said road, so soon as they shall have completed the distance of five miles thereof; and may continue to erect gates, and receive tolls for every additional five miles, so fast as the same shall be completed; and shall they think proper, terminate said road at the end of any ten miles from the commencement; and that at any time hereafter, if it is desired, five miles additional shall be added to said road, and become part of said road, and said road for the distance of ten miles from the Nolensville road, and shall be completed within five years, or this charter shall be void, and the road remain open, free from tolls, and that the first gate on said Mill Creek Valley road shall be established at a point five miles from the point on the Nolensville road, and not nearer.

Rates of toll.

SEC. 8. *Be it enacted*, That said company may demand and receive the same tolls that the Franklin turnpike company are allowed by law to receive.

SEC. 9. *Be it enacted*, That the Nolensville turnpike company may subscribe for stock enough to make one mile of said road.

Gate nearer Nashville.

SEC. 10. *Be it enacted*, That the Nolensville turnpike company may change the location of the first gate from Nashville to the point nearer Nashville, on which now stands a log house, formerly the gate house on said road.

Road between Lexington and Perryville.

SEC. 11. *Be it enacted*, That Christopher H. Williams of the county of Henderson, be and is hereby authorized to

open a turnpike road commencing at the town of Lexington, in Henderson county, and running down Beech river to Perryville.

Sec. 12. *Be it enacted*, That it shall be the duty of said Williams to open said road twenty feet in width, and to be graded six degrees or less, so that the passage of horses, carriages, &c. will not be impeded.

Rates of Toll. Sec. 13. *Be it enacted*, That the said Williams, his heirs and assigns, are authorized to erect and keep a gate on said road, and to demand and receive from any person or persons passing said road, the following rates of toll: for every wagon with eight horses, mules or oxen, 75 cents; for every wagon with six horses, mules or oxen, 50 cents; for wagon with five or four horses, mules or oxen 35 cents; each cart and horse, mule or oxen, 20 cents; each four wheel pleasure carriage 35 cents; each two wheel pleasure carriage, 20 cents; carryalls, dearborns and two horse wagons 20 cents; man and horse or mule, 10 cents; all loose horses, mules or cattle 3 cents each; hogs and sheep one cent each; and the said toll may be received at any point on said road that the proprietor may designate.

Forfeiture. Sec. 14. *Be it enacted*, That if any person or persons shall forcibly or secretly pass said gate, without paying the above specified toll, such person or persons so offending, shall forfeit and pay twenty dollars for every such offence, to be recovered by said Williams, his heirs and assigns, before any justice of the peace.

Commissioners. Sec. 15. *Be it enacted*, That John Harman, Philip Walker, of the county of Henderson, and John L. Houston, of the county of Perry, be and they are hereby appointed commissioners, whose duty it shall be, when satisfied from examination, that one half of said road is completed as contemplated by this act, they shall authorize the said Williams to receive one half of the toll specified by the thirteenth section of this act; and when the whole of said road shall have been completed, according to the spirit and meaning of this act, the said commissioners after examining said road, shall find the same to be in a proper state of repair, shall authorize the said Williams to receive the full amount of toll before specified.

Sec. 16. *Be it further enacted*, That the said commissioners shall each receive one dollar for every day employed in examining said road, to be paid by the proprietor.

Time allowed. Sec. 17. *Be it enacted*, That the said Christopher H. Williams, his heirs and assigns, shall have the term of four years, from the first of January, 1846, to complete said road.

Right—how long. Sec. 18. *Be it enacted*, That the said Christopher H. Williams, his heirs and assigns, shall have and enjoy the

rights and privileges of said road, for twenty-five years from and after its completion.

Evasion of toll.

SEC. 19. *Be it enacted*, That it shall not be lawful for any person or persons to open a road within three miles of said road, which shall have for its object the evasion of paying toll on said road.

Out of repair.

SEC. 20. That if any person or persons, shall give information on oath to said commissioners, that the said road is not kept in repair by the proprietor, as contemplated by this act, it shall be the duty of said commissioners forthwith, to examine the same, and if they find the road not in order as contemplated, it shall be their duty to open the gate, and the same shall remain open until the said road is put in repair; and if the said proprietor shall neglect or refuse to keep the said road in repair for twelve months at any one time, he shall forfeit all the rights and privileges herein conferred.

Vacancy of Commissioners.

SEC. 21. That if any or all of said commissioners, die or remove from the counties of Henderson and Perry, it shall be the duty of the county court of Henderson county to elect two, and the county court of Perry county to elect one commissioner, who shall have the same power, and whose duties shall be the same of those appointed by the fifth section of this act.

Forfeiture.

SEC. 22. That if the said Williams, directly or indirectly exacts or receives any toll from any person or persons, while the road is out of repair, and the gate opened by the commissioners, he shall forfeit and pay the sum of five dollars, to be recovered by any person before any justice of the Peace in the counties of Henderson or Perry.

Road from Shelbyville to Beech Grove.

SEC. 23. *Be it enacted*, That James L. Armstrong, Matt. Martin, Jr., John W. Ragsdale, Joshua P. Scott, Samuel Haggard and Henry Holt, of Bedford county, and William S. Watterson, of Coffee county, or a majority of them, are hereby authorized to open books of subscription in a turnpike road from Shelbyville, in Bedford county, by the way of Davis's mills, to Beech Grove, in Coffee county.

Incorporation.

SEC. 24. *Be it enacted*, That the subscribers for stock in said road, be and they are hereby created a body politic and corporate, under the name of the Shelbyville and Beech Grove Turnpike Company, and by that name may sue and be sued, and, may make contracts with or without a common seal, and have all of the rights, and exercise all the powers and privileges conferred by the charter on the Nashville, Murfreesborough and Shelbyville turnpike company.

Capital.

SEC. 25. *Be it enacted*, That the capital stock of said company shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

SEC. 26. *Be it enacted*, That so soon as ten thousand dol-

When organized. lars is subscribed, a meeting of the stockholders may be called by the said commissioners, for the purpose of organizing and having said road laid out, and taking all other necessary steps for its construction,

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 21, 1846.

CHAPTER XCIV.

An Act to pay Duke Williams thirty-six dollars.

Be it enacted by the General Assembly of the State of Tennessee, That the Comptroller issue his warrant to the Treasurer, to pay to Duke Williams, of Fayette county, or to his order, the sum of thirty-six dollars, for services rendered by him in bringing up the report of the commissioners of the Bank at Sommerville.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 23, 1846.

CHAPTER XCV.

An Act to relieve the State and counties from the payment of costs in certain cases.

Clerk's fees. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter no clerk of the circuit court in this State shall be entitled to any fees in any suits hereafter determined, when such fees shall become chargeable to the State or county, in consequence of any omission or defect of record by said clerk.

Attorney General's fees. SEC. 2. *Be it further enacted*, That hereafter no attorney general, in this State, shall be allowed any fee in any prosecution, either by presentment or indictment, hereafter determined, wherein the State or county may become chargeable in consequence of any defect in said bill of indictment or presentment. *Provided*, That when the judge of the court dictates the entry thus defective, the clerk shall be entitled to his costs as heretofore.

Judgment part of record. SEC. 3. *Be it further enacted*, That judges of circuit courts, severally, in this State, shall in rendering judgment

in such case, have that fact made a part of the record of said court.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 23, 1846.

CHAPTER XCVI.

An Act to declare Tuscumbia river navigable from its mouth, up to the State line of Mississippi.

Tuscumbia river navigable.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Tuscumbia river be and is hereby declared navigable from its mouth to the line between this State and the State of Mississippi, in the county of McNairy.

Rutherford's fork navigable.

SEC. 2. *Be it enacted*, That Rutherford's fork of the Obion river, be and the same is hereby declared navigable as far up said stream as the bridge across the same, near Waterford, the family residence of Richard Harvey; but nothing herein contained shall be so construed as to subject the owner or owners of any mill, heretofore constructed on said stream, below the point to which it is now declared navigable, to prosecution for obstructing the same by the erection or continuance of such mill, nor to subject such mill-owner to the construction of a lock, to admit the passage of boats, without reasonable compensation therefor. Nor shall any thing herein provided, be so construed as to require the commissioners for the improvement of the navigation of said river to expend any portion of the appropriation to the rivers of the Western District, above Hassel's mill, unless in the opinion of said commissioners the public good requires it.

Proviso.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 23, 1846.

CHAPTER XCVII.

An Act for the relief of poor and decrepid persons.

Be it enacted by the General Assembly of the State of Tennessee, That whenever it shall be satisfactorily made to appear, to any county court in this State, that there is within the limits of their respective counties any indigent, decrepid person or persons, or idiots, who are unable by manual labor or physical exertions to obtain a living or support, said county court shall have power to exonerate and exempt said indigent, decrepid person or persons, or idiots, from working on public roads, or paying poll tax, or both, as to said court may appear right and just.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 24, 1846.

CHAPTER XCVIII.

An Act to authorize the Trustees of the Huntingdon Male Academy to appropriate one-half of the Academy fund now on hands, or that may hereafter accrue, to the use of the Huntingdon Female Academy.

Two houses—for males and females.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That the Academy at Huntingdon shall consist of two separate houses, to be known as the male and female departments, to be governed by the same board of trustees.

Trustees to purchase.

SEC. 2. *Be it enacted,* That the said trustees are hereby authorized to purchase a suitable lot in the town of Huntingdon, or in the vicinity of the same, on which to erect and contract for the building of the female department, and apply the academy fund to the male and female departments, in such proportions as said board of trustees may deem most advisable.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 24, 1846.

CHAPTER XCIX.

An Act directory to the Comptroller of the Treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury be and he is hereby authorized to issue his warrant to Stephen Hicks, clerk of the circuit court for Bledsoe county, for the sum of sixteen dollars and seventy cents, for sixty-six examinations of records, copying 441 1/2 copy sheets, and certifying the same to the commissioners appointed to examine the Branch Bank of Tennessee at Sparta. Stephen Hick's claim.

SEC. 2. *Be it further enacted*, That the Comptroller of the Treasury also issue his warrant to John B. Jerrell, jailor of Wilson county, for the sum of twenty-five dollars, the amount said jailor paid as a reward for the apprehension of two culprits who escaped from said jail, where they were confined upon a charge of larceny, which culprits were apprehended and are now in the Penitentiary of the State upon said charge. J. B. Jerrell's claim.

SEC. 3. *Be it enacted*, That the Comptroller of the Treasury issue to J. E. Thomas, late sheriff of Maury county, his warrant for the sum of sixty-seven dollars thirty-seven cents, it being the amount of cost due said Thomas from the State, in the case of the State against G. C. Matlock, and the amount of insolvent taxes, which said Thomas paid the State for the year 1845. J. E. Thomas' claim.

SEC. 4. *Be it enacted*, That the Comptroller issue his warrant to Alexander A. Clingan, sheriff of Bradley county, for twenty-five dollars, five dollars of which was paid by mistake, the balance for insolvents. A. A. Clingan's claim.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 24, 1846.

CHAPTER C.

An Act, to explain and amend the second section of an act, passed January 1844, chapter 159.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the true construction of the 2nd section of an act passed the 26th day of January 1844, chapter 159, shall be that if the county Common School commissioners for any county have not paid over to the superintendent of Public Instruction, a sum equal to that Comptroller to retain moneys.

received by them under the law of 1830 and 1831, the comptroller shall ascertain the deficiency and retain the same out of the semi-annually distributed to said county until such sum is paid, and then the comptroller shall hand over the uncollected debts due to the common school fund of said county.

Charge counties with loss of school fund,

SEC. 2. *Be it enacted*, That the act of 1844, chap. 159, shall not be so construed as to authorize the Comptroller of the Treasury to charge to any county in this State the amount of loss to the common school fund, by the agent of the old state Bank, and when any such loss has been retained, it shall the duty of the Comptroller to refund the same to the county or counties which are entitled to the same: *Provided*, that nothing in this act contained shall be so construed as to prevent the Comptroller from paying over to the counties the excess of interest to which they are severally entitled by an act of assembly, passed January 26th, 1844, chapter 159.

Comptroller make statement

SEC. 3. *Be it enacted*, That it shall be duty of the Comptroller of the Treasury, as soon as may be after the passage of this act, to make out a full and complete statement and account of the school fund of each of the counties from which have been detained the annual distributions, or any part thereof, under the act of 1844, chapter 159, together with the names of persons in default, whether agent of the old Bank common schools commissioners, or agents of superintendent of public instruction, together with the amount of loss occasioned by each, as appears from the books containing an account of the common school fund, as well as the amount of uncollected debts belonging to said fund in such counties; and transmit the same to the Trustees of such counties respectively.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 24, 1846.

CI.

An act for the relief of suiters in Chancery in the third Judicial Circuit.

Suits at election of party.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That suits in chancery may be commenced and prosecuted in any or either of the chancery courts established in the 3rd judicial circuit at the election of the party: *Provided always*, That the grounds of such

suit shall have originated within the bounds of said third judicial circuit.

Repeal.

SEC. 2. *And be it further enacted by the authority aforesaid,* That all laws conflicting with the provisions of this act be and the same are hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 23, 1846.

CHAPTER CII.

An Act for the relief of Sheriffs and tax collectors and to encourage them to prompt settlement with the State.

Sheriffs have two years to settle.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all sheriffs and collectors of public taxes who have or may hereafter go out of office by resignation or the expiration of the term for which he or they were elected, shall have two years, from the passage of this act, or two years from the time he or they may hereafter go out of office, to settle up and close their unfinished business, and they are hereby authorized and empowered to enforce collections of taxes due and unpaid, on the tax books in their hands in as full and ample a manner, and in the same way, as acting sheriffs and collectors of the public revenue can do; and the said officers shall have the same powers to enforce collections, and in the same way within the time aforesaid after he or they have settled up and paid to the State, or the State and county, the revenue due as aforesaid: *Provided,* the taxes are due from and unpaid by any individual or individuals: *And provided further,* that the authority and power herein given to retiring sheriffs or tax collectors shall not be so construed as to authorize them to collect any revenue not previously accounted for by them in their settlements, and paid into the State and county treasury.

SEC. 5. *Be it enacted,* That in all cases when any sheriff or tax collector has heretofore or may hereafter make settlement with the Comptroller of the Treasury for any years revenue with which he is chargeable, before the time at which by law, he is compelled to settle and pay over the same and shall pay to the Treasurer the full amount of such year's revenue without obtaining any credit for insolvencies; and such officers shall afterwards in the manner and within the time prescribed by law, get the proper evidence to authorize the Comptroller to credit him with the

Comptroller to issue warrant.

insolvencies for such year, it shall be the duty of the Comptroller to issue to such officer a warrant for the amount of the insolvencies which he has paid to the State: *Provided further*, that nothing herein contained shall be so construed as to change the present liability of sheriffs or tax collectors to pay over the revenue at the time now prescribed by law.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 23, 1846.

CHAPTER CIII.

An Act to incorporate the Louisville and Nashville Branch Turnpike Company

Corporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body corporate, by the name of the Louisville and Nashville Branch Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate.

Capital.

SEC. 2. The capital stock of said company shall be at least sufficient to construct the road (hereafter particularly designated) for the distance of five miles, i. e., not less than five thousand dollars, with the privilege of increasing it to such amount as may be necessary for the full completion of said road—said capital stock to be divided into shares of fifty dollars each.

Commissioners.

SEC. 3. The following named persons are hereby constituted commissioners, to wit: A. W. Putnam, Josiah F. Williams, James A. Porter, Joseph S. Ewing and Charles W. Moorman, whose duty it shall be, at the earliest practicable period, to proceed to designate and mark out the route of said road from a point of intersection with the White's creek turnpike, at or near McNiel's pond, about one mile and a half from Nashville, to a point of intersection with the Louisville turnpike, at or near Manscoe's lick, and the said commissioners, and such other person or persons as they may choose to employ, engaged in marking out and designating said route, shall be allowed each two dollars per day for every day they shall be engaged in the performance of said duty; said route between the points of intersection aforesaid to extend along the line of the old Dickerson meeting house road, if found practicable, up to as far as the gap

in said road, and from that point to the northern terminus of the route as the said commissioners shall find most practicable.

Open books.

SEC. 4. It shall also be the duty of the said commissioners, at an early day after the marking out and designating said route, to open books for subscription of stock, giving ten days public notice thereof, and so soon as five thousand dollars are subscribed, they shall call a meeting of the stockholders by giving ten days notice in one or more of the newspapers at Nashville, which meeting shall be held in Nashville, and at said meeting, said stockholders, or a majority of them being either present or represented by powers of attorney, shall elect five directors (who shall themselves be stockholders) of which said directors one shall be chosen president, and said president and directors shall continue in office for one year, or until their successors shall be elected, which election shall take place at the expiration of every year from the time of the first election, of which due notice as aforesaid shall be given.

Vacancies.

SEC. 5. The said president and directors or any three of them shall be able to transact ordinary business, and all vacancies happening in the board between the regular meetings of the stockholders shall be supplied by the directors, two thirds of them being present.

Style of road.

SEC. 6. The said road shall be opened not less than thirty five feet in width, with sufficient ditches on each side to carry off the water; at least fifteen of the thirty five feet shall be substantially gravelled or McAdamized, and at least fifteen feet to be graded only, and used as summer roads, substantial and sufficient bridges shall be constructed wherever they may be necessary.

Stockholders have preference.

SEC. 7. In letting out said road under contracts, the directors shall give a preference to stockholders desiring to work out their subscriptions. *Provided*, such stockholders will undertake contracts on as good terms as any other person or persons.

Toll gate.

SEC. 8. The said directors are hereby authorized to erect one toll gate for every five miles of road that shall be completed as aforesaid so soon as such portion of it shall be completed: *Provided*, that not more than two gates shall be erected on said road.

State not to take stock.

SEC. 9. All the provisions of the act passed February 12th, 1836, chapter 15, entitled "an act to incorporate the Lebanon and Nashville Turnpike Company," shall be in force so far as the same are consistent with this act, and as are applicable to the Louisville and Nashville Branch Turnpike Company: *Provided*, the State shall not be liable for any stock in said road.

Damages.

SEC. 10. That the mode of assessing damages to persons through whose lands said road shall pass, and who

shall demand the same, shall be according to the charter of the Nashville and Franklin Turnpike Road.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 23, 1846.

CHAPTER CIV.

An Act to incorporate the Nashville Horticultural Society.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John M. Hill, John T. Wheat, S. D. Morgan, Mrs. Marshall, Mrs. Morgan, Mrs. Foster, Mrs. Shelby, Mrs. Smith, Mrs. Hill, Alexander R. Nichol, T. Fanning, John T. Fall, Robert Meston, A. Van Camp, A. Nelson, D. Miland, William Prichard and Wm. A. Eichbaum and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of the Nashville Horticultural Society, and by that name may have succession for five hundred years, with full power and authority to sue and be sued, plead and be impleaded, answer and be answered unto in any court of law or equity in this State, and to have and use a common seal, which they may alter or change at pleasure.

Capital.

SEC. 2. *Be it enacted*, That the capital of said society may be fifty thousand dollars, which the society or board of managers, or any number of them as may be agreed upon by themselves, may hold in trust for said society; and any portion of said fund may be subscribed as stock, received as donation in land or otherwise, as the society or managers may determine.

SEC. 3. *Be it enacted*, That the society may have the privilege of increasing the number of members from time to time, according to the terms of the constitution; and that they may increase the number of members of the board of managers or officers from time to time; and that said board may fill such vacancies, within the time for which they are elected, as may occur by death, absence or neglect of duty. That they may have authority to meet from time to time on their own adjournments, or any called meeting of said society or board of managers.

Managers to do business.

SEC. 4. *Be it enacted*, That a majority of those present at any regular meeting of the society or board of managers, shall have power to transact any business, except a change in the constitution of said society, which shall only be done

at an annual meeting of the society, or one called for such specified purpose.

SEC. 5. *Be it enacted*, That said society or board of managers, on behalf of said society, may hold or purchase ground for gardens, on which they may erect such buildings, &c. as they may deem necessary. To hold and purchase.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 23, 1846.

CHAPTER CV.

An Act to amend the laws for the Inspection of Tobacco, and requiring samples to be furnished.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be the duty of the county courts, in this State, to appoint one or more Inspectors of Tobacco, but not more than three for any warehouse or port, in any county; and instead of the inspector or inspectors inspecting and classing it into the first, second or crossed tobacco, shall break each hogshead of tobacco in three different places, and draw from each break, a parcel of said tobacco, and then unite said parcels so drawn, forming a fair sample of said hogshead. He or they shall then affix the number and net and tare weight of the hogshead of tobacco, with the initials of the owner's name upon the head of the hogshead, and attach to said sample the said number, net weight and owner's name, and carefully keep said samples, so drawn and marked, in the warehouse where said tobacco may be stored for the examination and inspection of purchasers, and all other persons. *Provided however*, That the owner may, at his option, have the same inspected and classed as heretofore provided by law, and dispense with the sampling as aforesaid. *Provided further*, That the Governor shall appoint the inspector or inspectors for the city of Nashville, as now required by law. County court to appoint. Governor to appoint in Nashville.

SEC. 2. *Be it enacted*, That the keeper of the warehouse shall weigh each hogshead of tobacco, and cause it to be well coopered up and marked, and promptly store the same away; and for the taking of samples and other duties as inspectors as aforesaid, the fee shall be fifty cents; the weighing and cooperage seventy-five cents, to be paid by the planter, and storage fifty cents, to be paid by the purchaser; the fee for selling and delivery shall be twenty-five cents, and commission for selling same shall be fifty cents per hogs- Fees.

Owner may sell.

head. *Provided however*, That the owner thereof may have the right to sell the same himself, or employ any one to do the same whom he may choose. *Provided*, The county courts of this State, a majority of the justices of the peace being present, may fix the various fees for the performance of said services from time to time, which fees shall be uniform at any licensed warehouse in such county, and shall not exceed two dollars, as provided aforesaid, per hogshead, to be paid, apportioned as prescribed by the act, of the 5th of February 1842.

Duties of Keepers of Warehouses.

SEC. 3. *Be it enacted*, That the keepers of warehouses shall be constant and prompt in their attendance at the warehouse for the reception and storing of tobacco, and shall promptly deliver tobacco to the persons entitled thereto, and safely keep the samples in the warehouse, for the inspection of purchasers or others, in close tight chests, preserving said samples from exposure, which chests shall be secured by locks and keys.

Inspector's oath.

SEC. 4. *Be it further enacted*, That the inspector or inspectors, so appointed by the county courts of the State, and warehouse keepers, shall take an oath faithfully to discharge their respective duties prescribed by law.

Disability of Warehouse keepers.

SEC. 5. *Be it further enacted*, That no owner or keeper of a warehouse shall act as inspector of tobacco, unless he be appointed by the Governor or county court, as aforesaid, under the penalty of fifty dollars for each hogshead so inspected.

Privilege of owners.

SEC. 6. *Be it enacted*, That nothing in this act shall compel the owner of tobacco to have the same sampled or inspected; and all laws coming within the meaning or purview of this act, be and the same are hereby repealed.

Oath.

SEC. 7. *Be it enacted*, That the said inspectors, before entering on the duties of their office, shall be sworn faithfully to discharge the duties of their office, and give bond and security as required by law.

Duties of inspectors.

SEC. 8. *Be it enacted*, That it shall be the duty of the inspectors at every place where there is more than one licensed warehouse, to attend said warehouses first alternately, so that no one warehouse shall have a preference; and whenever there shall be a sufficient quantity of tobacco in the warehouse or warehouses to employ the inspectors, they shall be at the warehouse by 9 o'clock A. M., and remain until 3 o'clock P. M. No inspector shall inspect tobacco in any other than a licensed warehouse, under the penalty of ten dollar for each and every hogshead so inspected.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 26, 1846.

CHAPTER CVI.

An Act, to amend "an act to incorporate the Lookout Rail Road Company," passed 30th October, 1837.

Incorporation.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the subscribers to the capital stock of the Lookout Rail Road Company shall constitute a body politic and corporate by the name aforesaid, with all the rights, powers and privileges given and granted by the act aforesaid, and subject to the restrictions imposed by it not herein changed or modified; and that the capital stock of said company be increased to five hundred thousand dollars.

Commissioners.

SEC. 2. *Be it enacted*, That Robert M. Hooke, Thomas G. McFarland, Reese B. Brabson, Lewis Shepherd, Samuel Williams, Benjamin R. Montgomery, Samuel Martin, Benjamin Chandler and James A. Whiteside, are appointed commissioners to receive subscription for stock, who, or a majority of whom, may, for that purpose open books by themselves or agents, at such times and places as they may think proper; and receive subscriptions of stock upon such terms as to time and manner of payment therefor, as they may deem expedient, until the sum of one hundred thousand dollars shall be subscribed, when they shall call a meeting of the stockholders who may organize and proceed in the manner prescribed in the before recited act, and when that amount of stock shall have been subscribed, the company shall be considered as formed and as having a corporate existence, and the president and directors thereof may receive subscriptions for, or sell the balance of the stock, or such portion as may be necessary for the construction of the road, and they may borrow money for the purpose of constructing and equipping the road, and to secure the payment thereof, may mortage the road and its appurtenances, and may give such additional guaranty, obligation or security therefor as may be agreed on between them and the person, company or corporation lending the money. *Provided*, that nothing herein contained, nor in the charter which this is intended to revive, shall be so construed as to require or authorize the state to subscribe for any part of the stock in the company hereby incorporated.

Privilege to continue.

SEC. 3. *Be it enacted*, That in case the State of Georgia determines not to extend the Western and Atlantic Rail Road of that state to Chattanooga, then and in that event the Lookout Rail Road Company may construct their road from Chattanooga to the point at which that State may terminate her said road; *Provided*, that if the Western and Atlantic Rail Road be made to terminate within the limits of the State of Georgia, the consent of the

Legislature of that State be first given to the Lookout Rail Road Company to extend their road through the territory of that State, to a junction with the said Western and Atlantic Rail Road; which consent is, in the event of such termination, hereby asked of Georgia in behalf of said company, in compliance with the terms of a resolution of the Legislature of that State, approved Dec. 7th, 1837.

Chattanooga Rail Road.

SEC. 4. *Be it enacted*, That in case the Nashville and Chattanooga Rail Road Company fail to construct a rail road as authorized by the act incorporating said company, then and in that event the Lookout Rail Road Company may construct a rail road from Chattanooga to some point on the Tennessee river below the Suck, on the same terms in all respects as are prescribed by the act aforesaid for the Lookout Rail Road—a part of which it shall constitute, or it may constitute the whole of the Lookout Rail Road in case Georgia finishes her road to Chattanooga: *Provided*, that nothing in this act contained shall be so construed as to interfere in any manner with the prosecution or construction of the Western and Atlantic or Nashville and Chattanooga Rail Road; the object and intent of this act being to provide the means of supplying such portion of road between the Tennessee river below the Suck and the Georgia State road as may result from a failure of both or either of those works.

Time of completion.

SEC. 5. *Be it enacted*, That the term of eight years from the passage of this act be given for the completion of the Lookout Rail Road, as herein authorized.

Corporation of Memphis.

SEC. 6. *Be it enacted*, That so much of the act passed February 3rd, 1843, entitled "an act to amend an act to incorporate the town of Memphis, as confers upon the mayor and aldermen of said town the power to elect a town constable be repealed, and that a town constable be elected in future by the citizens of said town, who are qualified by the present law to vote for aldermen; and that the elections be held and the votes received in the respective wards at the times and in the manner heretofore prescribed for the election of aldermen.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 24, 1846.

CHAPTER CVII.

An Act to amend the charter of the McMinnville, Woodbury and Murfreesborough Turnpike Company.

Be it enacted by the General Assembly of the State of Tennessee, That the charter, creating the McMinnville, Woodbury and Murfreesborough Turnpike Company, be so amended as to make a gap in the ridge between Murfreesborough and Woodbury, south of the stage road, commonly called Yourie's gap, a point in the construction of said road.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, January 26, 1846.

CHAPTER CVIII.

An Act to amend the Attachment Laws of this State.

Justice return papers to circuit court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever an attachment, issued by a justice of the peace and returnable before a justice of the peace, shall be levied upon the real estate of a non-resident or absconding debtor, such justice shall after he has given judgment on the case, in accordance with the laws now in force, return all the papers in the case to the circuit court of his county, which court shall upon the return of said papers, proceed to condemn the real estate, and to order a sale thereof for the satisfaction of the judgment rendered by such justice, together with all interest and costs.

Non-resident defendant.

SEC. 2. *Be it enacted*, That whenever an attachment against a non-resident is returned before a justice of the peace, in accordance with the existing laws of this State, it shall be the duty of the justice before whom the same is returned to stay all further proceedings thereon, for such period as such justice may deem reasonable, not exceeding twelve months, nor less than six months from such return; and to cause the plaintiff in the suit, his or her agent or attorney, to give public notice, by advertisement, of the time and place fixed for the trial of the suit, requiring the defendant then and there to appear and defend the case.

SEC. 3. *Be it enacted*, That upon the expiration of the time so fixed by the justice for the appearance of a non-resident defendant in any attachment case, and the trial thereof, it shall be the duty of such justice to try and deter-

mine, and render judgment thereon, as in other cases over which he has jurisdiction.

Justices duty.

SEC. 4. *Be it enacted*, That on attachment cases against non-resident defendants, it shall be the duty of the justice to enter on his docket a memorandum of the stay of proceeding thereon, and of the order for publication.

Perishable property.

SEC. 5. *Be it enacted*, That should the property levied on by an attachment against a non-resident be perishable, the justice of the peace before whom the attachment is returned, may order the property to be sold upon ten days public advertisement at such places as property sold by executions issued by justices of the peace are advertised, and sold upon a credit of six months, the purchaser giving bond and security, payable to the officer, and the officer shall hold said bond for the benefit of the parties, and be liable for the same to the plaintiff for the satisfaction of his debt. But should the plaintiff not succeed in his suit for an amount equal to said bond or bonds, the balance on said bonds shall be paid over to the defendant; and should the plaintiff be non-suited, or fail to recover any thing against the defendant, such bond shall be delivered over to the defendant, and the officer taking such bond, and his securities, shall be liable to account for the same according to the provisions of this section.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 26, 1846.

CHAPTER CIX.

An Act to change the place of holding drill musters in the counties of Henry, Carroll and Gibson, and for other purposes.

Drill to precede regimental musters.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the commissioned officers of the counties of Henry, Carroll and Gibson, shall hold their drill musters at the county seat of their respective counties, in each year preceding their regimental musters.

Fines.

SEC. 2. *Be it enacted*, That hereafter all executions for fines or forfeitures imposed by any court martial in this state or other military tribunal having the power, shall be directed to the sheriff of the county where the delinquent resides, or to any constable within the bounds of the battalion where such delinquent resides, whose duty it shall be to collect the

same, to be disposed of as directed by the existing militia laws of this State.

Repeal. SEC. 3. *Be it enacted*, That so much of the 38th section of an act, to condense and bring into one view the militia laws of the State of Tennessee, passed the 28th of January, 1840, authorizing provost martial to collect fines and forfeitures by execution due the regiment, be and the same is hereby repealed.

109th Regiment. SEC. 4. *Be it enacted*, That the courts martial of Henderson county, and in the 109th regiment of Tennessee militia, shall be held on the first Thursday in each and every November hereafter, instead of the 2nd Thursday in said month.

Duties of officers. SEC. 5. *Be it enacted*, That company and regimental officers in the state, shall not be compelled to attend regimental court martials in uniform.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 26, 1846.

CHAPTER CX.

An Act to incorporate a Male Academy at Turnersville in Robertson county, and for other purposes.

Incorporation. SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That an Academy is hereby incorporated in the vicinity of Turnersville, in Robertson county, in this state, to be known by the name of Sylvan Academy, and that Robert D. Carr, James Darden, Jesse S. Ellis, Jesse Darden, Richard E. Hughes, R. H. Alley, Dr. G. E. Draughun, and their successors, be and they are hereby appointed and constituted a body politic and corporate, by the name and style of the Trustees of Sylvan Academy, for the space of one hundred years, and as such and by such name may sue and be sued, plead and be impleaded, buy and sell property, or otherwise acquire the same according to law, and sell or convey the same and have and enjoy all other such rights as are usually possessed and exercised by other incorporated academies in this State, and pass all by-laws and ordinances necessary for their organization and government when organized so that the same are not inconsistent with the constitution and laws of this or of the United States—five of the above named Trustees being present and voting for any such by-law or ordinances.

Trustees.

Powers of trustees. SEC. 2. *Be it enacted*, That said Trustees have power to fill any vacancy that may occur by death, resignation, re-

moval or refusal to act in said board, that they have power to elect a recorder and treasurer, and president of and for said institution, at their discretion, and for such term of time as may be by any by-law of theirs designated; and that the duties of such officers be defined by a by-law or otherwise by said board of trustees.

Disorderly students.

SEC. 3. *Be it enacted*, That when any student at said institution may be arraigned for any disorderly conduct, that he, she or they shall be tried by said board of trustees and such officers as they may have elected, and their judgment shall be a final decision of any such charge, and they shall have jurisdiction of any such charges, when the expulsion from said institution or a suspension therefrom is the only question at issue; and no student shall be expelled or suspended from said academy, except by the judgment and order of said trustees or a majority of them.

Trustees to employ teachers, &c.

SEC. 4. *Be it further enacted*, That all matters of order and rule for the government and discipline of said Academy shall be fixed and defined by said trustees, or a majority of them, which shall be a matter of record in said Institution, and that they have power to employ teachers for said Academy, and to discharge the same on sufficient cause, bad conduct, &c.

When take effect.

SEC. 5. *Be it further enacted*, That this act take effect from and after the passage thereof.

Exchange Co. of Memphis.

SEC. 6. *Be it enacted by the General Assembly of the State of Tennessee*, That Elisha L. Conant, J. Delafield, Jr., and their associates, be and they are hereby incorporated and made a body politic, under the name and style of the city exchange company of Memphis, and shall be vested with all the powers, rights and privileges granted to the Memphis City Hotel company in their act of incorporation, may sue and be sued, plead and be impleaded, answer and be answered, in all courts of competent jurisdiction; have a common seal alterable at pleasure, and ordain and establish such by-laws rules and regulations as they shall deem necessary for their government, not inconsistent with the constitution and laws of this State.

Books opened.

SEC. 7. *Be it further enacted*, That books of subscription for the sum of fifty thousand dollars, divided into shares of ten dollars each, shall be opened on the first day of March A. D. 1846, after thirty days notice thereof being first given in the newspapers printed in the city of Memphis, under the superintendence of E. L. Conant and J. Delafield Jr., as commissioners to carry this act into effect.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 26, 1846.

CHAPTER CXI.

An Act to authorize the Comptroller to issue his warrant for the payment of certain bounties upon silk, which accrued under the act of 1842.

Be it enacted by the General Assembly of the State of Tennessee, That the Comptroller be and he is hereby required to issue his warrant directed to the Treasurer of the State, authorizing him to pay out of any monies in the Treasury, not otherwise appropriated, all sums of money which may have become due to any person or persons, citizens of this State under the provisions of an act entitled an act to encourage the culture of silk in the State of Tennessee, passed February the 4th, 1842, to such person or persons, or to his, her or their written order upon the presentation of such claim made out in conformity with the requirements of the above recited act.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 26, 1846.

CHAPTER CXII.

An Act amendatory of the Common School Law.

Be it enacted by the General Assembly of the State of Tennessee, That if in any case heretofore or in any case hereafter, a mistake has or may occur in reporting the scholastic population in any county, and said report shall be corrected, it shall be the duty of the Comptroller of the Treasury to take such mistake into his estimate for the next distribution so as to make all the counties equal according to their true scholastic population.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 28, 1846.

CHAPTER CXIII.

An Act to authorize the Agent of the Penitentiary to furnish convicts on their discharge, with a suit of clothes.

Be it enacted by the General Assembly of the State of Tennessee, That when any convict may be discharged from the State Prison, who is destitute of clothing suitable to the season when he is discharged, it shall be the duty of the Agent to furnish such convict with a suit of cloths suitable to his comfort.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 28, 1846.

CHAPTER CXIV.

An Act to incorporate the Memphis and Somerville Turnpike Company.

Commissioners.

SECTION 1, *Be it enacted by the General Assembly of the State of Tennessee*, That Robert C. Brinkley, M. B. Winchester, J. Fowlkes, E. W. M. King, J. Delafield, Wardlow Howard, John B. Rogers, Joseph S. Watkins of Shelby county, and L. H. Coe, J. C. Cooper, Burchett Douglass, H. J. Cannon, John Cobb, Calvin Jones and William Ruffin of Fayette county, be and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of one hundred thousand dollars to be applied to making a turnpike road from Memphis to Sommerville, with the power of extending the same to Bolivar; which sum shall be divided into shares of $25 each; and as soon as five thousand dollars are subscribed a meeting of the subscribers shall be held at Memphis of which said company shall give thirty days notice in some newspaper printed in Memphis, and the said subscribers from and after the first meeting shall be and they are hereby constituted a body corporate and politic by the name of the Sommerville Turnpike Company, and shall so continue, and as such may sue and be sued, plead and be impleaded, answer and be answered, sell and purchase, and have a common seal.

Powers and privileges.

SEC. 2. *Be it enacted*, That the said company when formed, shall have all the powers and privileges, and subject to the same regulations and restrictions defined by an act passed the 31st day of Dec, 1838, and entitled "an act to incorporate a company called the Franklin Turnpike

Company, and for other purposes; all of which shall be taken as a part of this act unless otherwise provided, except the 12th section of the same, limiting the number of toll gates to four, substituting the word Memphis for Nashville and Sommerville for Franklin.

Route. SEC. 3. *Be it enacted*, That said corporation when formed shall have power to appoint commissioners to mark out the most proper and direct route for the said road.

Gates. SEC. 4. *Be it enacted*, That said company shall not have power to establish toll gates nearer than one and a half miles of the towns of Sommerville and Memphis.

Style. SEC. 5. *Be it enacted*, That said road may, if deemed expedient, be covered with charcoal of sufficient depth, or hewn timber, or constructed in any other manner the said company may determine: *Provided*, a road be provided for public transportation and travel not inferior to a gravelled or McAdamized turnpike, such as are now in use in the middle part of the State.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 28, 1846.

CHAPTER CXV.

An Act to settle accounts with Treasurer of the Poor House Commissioners.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of the Poor House Commissioners, shall hereafter make yearly settlements with the Revenue Commissioners of the counties respectively, who shall make out a statement of such settlement, and deposite the same with the clerk of the county court, with a view of submitting it to the supervision of his court.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 28, 1846.

CHAPTER CXVI.

An Act to prescribe the duty of the sheriff or tax collector of the county of Grainger.

Sheriff pay to commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the sheriff or tax collector of Grainger county, so soon as the tax laid by the county court of said county, for the purpose of building a court house in said county, shall be collected, to pay the same into the hands of the commissioners appointed to superintend the building of said court house, and the receipts of such commissioners shall be good vouchers in the hands of said sheriff or tax collector.

Failure to pay.

SEC. 2. *Be it enacted*, That if the sheriff or tax collector shall fail or neglect to pay to such commissioners the tax as aforesaid, laid by said county court, against the time now required by law for sheriffs or tax collectors to pay county taxes to county trustees, said commissioners may move for and obtain a judgment in the circuit court of said county, against such delinquent sheriffs or tax collectors for the amount of such failure.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 23, 1846.

CHAPTER CXVII.

An Act to continue Gerard Troost Geologist of the State.

Be it enacted by the General Assembly of the State of Tennessee, That Gerard Troost shall be Geologist of the State of Tennessee for the next ensuing two years, with a salary of five hundred dollars per annum; and it shall be his duty to prepare and submit to the next General Assembly a report upon the geology, mineralogy and fossils of the State, illustrated with maps, plans and drawings, and to do such other acts as are specified in the law of 1844, chapter clxxxiv.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 26, 1846.

CHAPTER CXVIII.

An Act to perfect the lien of Mechanics, and to extend the same to Journeymen and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, when any mechanic or undertaker, by special contract with the owner of any lot of ground or tract of land in this State, or his agent, shall upon the said lot or tract of land, construct, build or repair, either in whole or in part, or furnish materials, or any part of materials in the construction, building or repairing of any house, fixtures or improvements, or shall do any work upon the said house, either by finishing off the same, painting, ornamenting or otherwise, such mechanic or undertaker shall have and retain a lien upon the lot of ground or tract of land upon which said house, fixtures or other improvements stand, together with the buildings or improvements thereon, in proportion to the amount and value of work done, or materials furnished as aforesaid. And if the owner of said house and lot, or tract of land, or improvements, shall convey or in anywise dispose of the same, such conveyance or disposition shall be subject to the lien hereby created, which shall continue for the term of one year after the work done or materials furnished, and until the decision of any suit that may be brought within that time for the debt that may be due said mechanic or undertaker.

Building or repairing.

SEC. 2. *Be it further enacted*, That the provisions of this act, and the benefit of the lien hereby created, shall be extended to the journeymen workmen of said mechanic or undertaker, or such other person or persons as may be employed by or under him to do any part of the said work, or furnish any of the said materials, who shall be authorized to enforce the same in preference to said undertaker. *Provided*, Notice in writing of said lien shall be first given to the owner or proprietor of said lot, tract of land, house or improvements or his agent, at the time said work is begun or materials furnished by said journeyman or other person. *And provided further*, That the claims herein secured by him for work and labor done, and materials furnished, shall in no case exceed the amount agreed to be paid by the owner or proprietor in his original contract with the undertaker. *Provided*, That the lien given by this act, shall not operate in cases where the debt contracted for said buildings, shall have been transferred *bona fide* to any person without notice of said lien, in such cases the lien shall operate only to the extent of the debt *bona fide* due from the owner or owners of said building to the contracting party, for the construction or repairs of said building.

Journeymen.

Transfer of debt.

SEC. 3. *Be it enacted*, That the lien herein given, may be

enforced by attachment, either at law or in equity.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 28, 1846.

CHAPTER CXIX.

An Act authorizing Green Rayburn & Co. to build a bridge across the Cumberland river.

Open books.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Green Rayburn & Co. be and they are hereby authorized to open books for the purpose of receiving stocks to build a bridge across the Cumberland river, at or near Rayburn's Bluff near Clarksville, Montgomery county.

Incorporation.

SEC. 2. *Be it further enacted*, That said Green Rayburn & Co. be and they are hereby incorporated and declared to be a body politic under the name and style of the Clarksville and Kinderhook bridge company, with the same rights, powers, privileges, restrictions and limitations in all respects as the Broad Street bridge company in the city of Nashville, and that all the provisions of an act passed the present session of this General Assembly December 17th, 1845, incorporating the Broad Street bridge company, except so far as the same are local in their character be applicable to the Clarksville and Kinderhook Bridge company.

McGavock Ferry Bridge.

SEC. 3. *Be it enacted*, That Samuel D. Morgan, John Nichol, Joseph B. Knowles, Samuel Seay, A. V. S. Lindsley, William R. Elliston, Dr. Joseph E. Manlove, Dr. Boyd McNairy, Robert B. Turner, James Erwin, Dr. Thomas Wells, Thomas Hardin, Bead Bosley, Hugh McGavock, Hugh Erwin, Matthew Barrow, Thomas Washington and Dr. David T. McGavock of the county of Davidson, Edward S. Cheatham and Dr. Hicks of Springfield, E. Howard, Henry Bailey and Joshua Elder of Clarksville, be and they are hereby incorporated and declared to be a body politic and corporate under the name and style of the McGavock Ferry Bridge company, with a capital of thirty-five thousand dollars to be divided into shares of twenty-five dollars each.

Open books.

SEC. 4. *Be it further enacted*, That said McGavock Ferry Bridge company be and they are hereby authorized to open books for the purpose of receiving stock to build a bridge

across the Cumberland rivet at McGavock's Ferry, about two miles below Nashville and that said company shall be entitled to the same powers, rights and privileges, and be subject to the same limitations and restrictions in all respects as the Broad Street Bridge company in the city of Nashville and that all the provisions of the act passed the present session of this General Assembly Dec. 17, 1845, incorporating the Broad Street Bridge company, except so far as the same are local in their character, be held applicable to the McGavock Ferry Bridge company. Privileges.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 26, 1846.

CHAPTER CXX.

An act to authorize the Governor to sign grants in certain cases, and to give further time to obtain grants in entries heretofore made.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any grant or grants heretofore, or that may hereafter be issued, which were or shall be regularly certified and signed by the Secretary of State, but wanting the signature of the Governor, shall be signed by the Governor in office, and it shall be his duty to sign the same, provided it be made appear, that the omission was the result of accident, and that no fraud was or is intended; and such grant or grants so signed, shall be as good in law and equity as if signed by the governor who was in office at the time the grant issued. Governor to sign grants.

SEC. 2. *Be it enacted,* That the further time of two years, and until the end of the next regular session of the General Assembly, be given for making surveys and obtaining grants, on all entries heretofore made in this State, and on all plats and certificates of surveys heretofore made, upon which grants may not have been issued. Time given.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 26, 1846.

CHAPTER CXXI.

An Act to amend an act, entitled "an act to authorize the sale of the common school lands in the state of Tennessee, at the wish of the people of the different township where they may be situated," passed at Nashville, the 15th day of January, 1844.

Sale of lots.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter when any tract of school land shall be ordered to be sold, according to the provisions of said act, and the same shall have been divided into lots according to the 8th section of said act, and the clerk of the circuit court shall offer said tract or tracts of school land for sale, in lots according to the provisions of said act, and some of said lots shall bring an amount equal to the valuation, and others not, the sale shall be good as to those lots bringing an amount equal to the valuation; but as to those lots for which the clerk shall fail to obtain a bid equal to such valuation, there shall be no sale, and such lots shall remain to the townships as heretofore.

Lots must bring value.

Sales valid.

SEC. 2. *Be it enacted*, That when any tract of school land has heretofore been sold in lots under the provisions of said act, and some of said lots brought an amount equal to the valuation fixed upon them by the commissioners, and others fail to bring an amount equal to such valuation, and the sale was confirmed by the court ordering the sale thereof, as to the lots bringing the valuation, such sale shall be and it is hereby ratified, confirmed and made good to the same, in all respects, as if the entire tract had been sold, and had brought an amount equal to the valuation fixed upon it under and by virtue of the 15th section of said act.

Sale may be made at any time.

SEC. 3. *Be it enacted*, That if the commissioners of school land, or justice of the peace, as the case may be, shall fail to hold an election for the sale of school land on the second Monday in March; in any year, as required by the 17th section of said act, then and in that case it shall and may be lawful for such commissioners, or justice of the peace, as the case may be, to hold such election at any time, the same being holden in all other respects, according to the provisions of said act.

Ratification of sales.

SEC. 4. *Be it enacted*, That when any election has heretofore been holden, for the sale of a tract of school land, at a time different from that pointed out by the 17th section of said act, and the sale thereof has been confirmed by the court, ordering the sale thereof, the same is hereby ratified, confirmed and made as good and valid in all respects, as if the election had been holden at the time pointed out in the said 17th section of said act.

SEC. 5. *Be it enacted, by the authority aforesaid*, That in any case where a majority of the citizens of any district, township or factional township, shall have or shall cast

their votes for the sale of the school land in such district, township or fractional township, and, the same shall have been, or shall be ordered to be sold according to the provisions of the act which this is intended to amend, and the clerk of the circuit court shall have failed, or shall fail to sell the same or any lot or parcel thereof, if the same shall have been divided into lots according to the 8th section of said act, for the want of a bid equal to the value fixed upon the value of said tract of school land or lot thereof, according to the 5th section of said act, in all such cases it shall and may be lawful for the county court to appoint a new set of commissioners to value such tract of school land or lot thereof according to and in the manner pointed out in the 15th section of said act, and to perform all and singular the duties therein required to be performed by them.

Court may appoint commissioners.

SEC. 6. *Be it further enacted by the authority aforesaid*, That so soon as said tracts of school land or lots thereof shall have been valued according to the 5th section of this act, it shall be the duty of the clerk of the circuit court, forthwith to proceed to sell said tract of school land or lot thereof, according to the provisions of this act, and the act which it which it is intended to amend. And upon the clerk proceeding to offer such tract or lot of school land for sale, and on failure to obtain a bid equal to such valuation, there shall be no sale, and said land shall remain to the township as heretofore.

Land must bring value.

SEC. 7. *Be it further enacted by the authority aforesaid*, That if the clerk of the circuit court, upon offering any tract, lot or parcel of school land for sale, as pointed out by the 3rd section of the act which this is intended to amend, and shall fail to sell the same for the want of a bid equal to the valuation fixed upon the same, according to the 5th section of this act, and the act which this is intended to amend, in all such cases the bidding for such tract, lot or parcel of school land shall be and remain open for the space of ninety days from and after the day the sale was advertised and offered for sale, and it shall and may be lawful for the clerk to sell said tract, lot or parcel of school land for the highest bid he may receive for the same within the said ninety days. *Provided*, The bid be equal to the valuation fixed upon said tract, lot or parcel of school land, the sale being in all other respects conducted as pointed out by this act and the act which this is intended to amend.

Bids to remain open.

SEC. 8. *Be it enacted*, That when any purchaser of any school lands shall think proper to pay, over the purchase money on the day of sale, or any future day within the ten years, he, she or they shall be entitled to a grant for the same as prescribed by the 7th section of the act of 1844.

Payment for lands.

SEC. 9. *Be it enacted*, That when an election shall have been held or may hereafter be held under the provisions of

Failure to vote.

this act, or the act which this is intended to amend, and a majority of the voters in said township fail to vote, either for or against the sale of the school land in said township, or, where the person appointed to hold the election fails or refuses to do so, it shall and may be lawful for the county court of the county where said election has been holden, to appoint some suitable person to ascertain the sense of the voters of said township in reference to a sale of said lands, by presenting to each voter, for his signature, a paper prepared and headed as directed by the second section of the act which this is intended to amend, and obtain their signatures, and the said commissioners shall return the paper containing the signatures to the clerk of the circuit court, and shall certify the same in the following manner: "The undersigned commissioners of the school land, for township ——, district No. ——, for the county of ——, do hereby certify, that he has proceeded to obtain the signatures of the voters for and against the sale of the school land in said township, and that the persons in favor of the sale of said lands constitute a majority of all the qualified voters residing in said township:" which certificate shall be upon oath, and signed by the commissioner. Said certificate, together with the list of voters, shall be forthwith deposited with the clerk of the circuit court of said county, and the said court shall proceed to decree the sale of said lands, in the same manner as if an election had been held. *Provided*, A majority of the voters of said township are in favor of selling. *And provided also*, Said court shall be satisfied, from an examination of said commissioner upon oath, that the signatures of said voters have been fairly taken, and their sentiments truly expressed and impartially obtained.

Purchaser to get possession.

SEC. 10. *Be it enacted*, That a certificate of purchase from the clerk selling the land, shall be sufficient evidence of title to enable the purchaser to maintain an action of ejectment, or other suitable action, to recover the possession of the land purchased, where the same is adversely held.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 23, 1846.

CHAPTER CXXII.

An Act to amend the practice in the Chancery Courts, and to diminish the expense of suits in said Courts.

Clerk to issue only one subpœna.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever any bill or petition shall hereafter be filed in any of the chancery courts of this State, and all the defendants in such bill or petition reside in the county in which the court is held, or in the county in which the bill or petition is filed, the clerk and master shall issue only one subpœna to answer for all the defendants, in which he shall include the names of all the defendants to such bill or petition, and the said clerk and master shall issue only one copy of such bill or petition, which copy shall be delivered to some one of the defendants to such bill or petition, unless a copy or copies of such bill or petition shall be applied for by a defendant or defendants to said bill or petition, his, her or their agent, attorney or solicitor, in which case it shall be the duty of the clerk and master to issue a copy of the bill or petition to each defendant so applying, the costs of which copy or copies shall abide the decision of the suit.

Non-residents of county.

SEC. 2. When any defendant or defendants to any such bill or petition reside in any other county than the county in which the court is held, or the bill or petition is filed, it shall be the duty of the clerk and master to issue one subpœna to answer in which he shall include all the defendants in the bill or petition residing in any one county; and the clerk and master shall also issue a copy of the bill or petition to each defendant residing in any county of this State except the county in which the court is held or the bill or petition is filed; and it shall be the duty of the sheriff or other officer to whom the subpœna is issued, to execute such subpœna and deliver a copy of the bill or petition to each defendant included in such subpœna, and make return thereof as now required by law and the rules of the courts of Chancery in this State.

Injunction.

SEC. 3. When any injunction shall issue from any chancery court in this State, all the defendants to the bill upon which such injunction shall have been issued, residing in any one county, shall be included in the same injunction, and the mode of service of such injunction shall be by reading the same to each defendant specified therein, and the endorsement of the fact of service on the injunction and the return thereof by the officer serving the said injunction, into the court from which the same was issued, and this shall be a valid and sufficient service of such injunction. *Provided*, That if any defendant shall evade or attempt to evade the service of any injunction, as required by this section, it shall

be the duty of the officer charged with service of such injunction, to leave a copy thereof at the usual place of residence of such defendant, and this shall also be deemed a sufficient service of the injunction.

Clerk's fees.

SEC. 4. The clerks and masters in chancery, shall be allowed fifty cents for taking the deposition of each witness examined by them in any cause pending in any of the chancery courts in this State, but said clerks and masters shall not be allowed any fee whatever for any interrogatories propounded to any witness examined before such clerk and master; and the said clerks and masters shall be allowed fifty cents for examining a party to a cause on interrogatories; but said clerks and masters shall not be allowed any fee for writing interrogatories to the party so examined.

Costs.

SEC. 5. So much of the 25th rule of the chancery courts as provides that upon a plea or demurrer being overruled, the defendant shall pay twelve dollars and fifty cents costs, and so much of the said rule as provides that if the plea or demurrer be sustained, the complainant shall pay the like sum, be, and the same is hereby repealed and abolished. And also so much of the twenty-fifth rule as provides, that upon exceptions being taken to a defendant's answer, the exceptions be overruled, that the complainants shall pay twelve dollars and fifty cents costs, and that if the exceptions be sustained, the defendant shall pay twelve dollars and fifty cents costs, be, and the same is hereby repealed and abolished.

Chancellor's rules.

SEC. 6. Hereafter it shall not be lawful for the chancellors to make any rule or rules inconsistent with the provisions of the fifth section of this act. And after the passage of this act upon exceptions to a defendant's answer being overruled, the complainant shall pay three dollars costs; and upon exceptions to a defendant's answer being sustained, the defendant shall pay three dollars costs, which in each case shall be paid to the opposite party.

Printer's fee.

SEC. 7. In all cases whereby the existing laws and the rules of the courts of chancery in this State, publication is now required to be made in a newspaper, the clerk and master shall make out a copy of the order of publication and transmit the same to the publisher or publishers of such newspaper as the clerk and master at the rules or the chancellor in court may direct, publication to be made in, and to cause such order to be published as now required by law and the rules of the court. But no brief or abstract of the bill shall be required to accompany the order of publication as now required by the rules of the courts of chandery; and the costs of such publication shall in no case exceed the sum of three dollars; and the cost of advertising sales under a decree in any of the chancery courts shall in no

case exceed the sum of three dollars, unless otherwise specially ordered by the chancellor.

Power transferred from chancellor to clerk.

SEC. 8. After the passage of this act, the clerks and masters in chancery shall have the same power to open causes for proof after the same have been set for hearing, that the chancellors now have, upon sufficient cause shown upon affidavit as now required by the rules of the courts of chancery in this State. *Provided*, however, that upon a cause being so opened for proof by one party, the adverse party shall be allowed to take rebutting proof in the cause.

Revival of suits.

SEC. 9. When any defendant or defendants to any suit or suits pending in any of the chancery courts of this State, shall die during the pendency of said suit or suits, the same may be revived by *scire facias* without filing a bill of revivor as now required by law and the rules of the courts of chancery upon the suggestion of the death of any defendant or defendants to any suit or suits pending in any of the chancery courts of this State, being made to the clerks and masters or in open court, it shall be the duty of the clerk and master to issue *scire facias* against the administrator, or administrators, executor or executors, heir or heirs of the party or parties so dying, as the case may be, commanding such administrator or administrators, executors or executors, heir or heirs, to appear in court to show cause, if any they have, why such suit or suits shall not be revived against them. Every *scire facias* issued under the provisions of this act shall include all the administrators, executors, or heirs, residing in any one county to which such *scire facias* may be issued, and the clerk and master of such court shall be allowed a fee of seventy-five cents for every *scire facias* issued under the provisions of this act.

Feme sole.

SEC. 10. When any *feme sole*, defendant to any suit in any of the chancery courts of this State, shall marry during the pendency of such suit, the same shall and may be revived against the husband by *scire facias* in the same manner as suits may be revived against administrators, executors and heirs, under the provisions of the preceding section of this act.

SEC. 11. Any party or parties against whom *scire facias* may issue under the provisions of the two preceding sections of this act, shall be allowed to make any defence against the revival of such suit or suits, that he, she or they would be allowed to make under the existing laws and rules of the courts of chancery, in case a bill of reviver were filed as now practiced in said courts.

Scire facias.

SEC. 12. In issuing *scire facias* under the provisions of this act, it shall only be necessary for the clerk and master to recite in said *scire facias* the filing of the bill, the names of the parties complainants and defendants, the pendency of the suit, the death or marriage of the party or parties, de-

fendant or defendants to such suits as the case may be, and thereupon command the party or parties against whom the *scire facias* may issue, to appear in court and show cause, if any they have why the suit should not be revived and prosecuted against him, her or them.

Enrollment of papers.

SEC. 13. *Be it enacted*, That after the passage of this act, whenever in the opinion of the chancellor, finally trying the cause, it is necessary and proper that the papers in the cause should be enrolled, he shall order such enrollment to be made by the clerk and master of such court; and in no case shall any clerk and master charge any fee for enrolling the papers in any cause, unless its enrollment shall have been ordered by the chancellor—nor shall any enrollment be necessary only in cases in which the chancellor orders the same.

Empanneling jury.

SEC. 14. *Be it enacted*, That from and after the passage of this act, it shall be the duty of the chancellors of this State, upon the application of either of the parties, to empannel a jury to try and determine any issue of fact involved in any case pending in said courts—the finding of which jury shall be final and conclusive upon the chancellor, so far as the facts involved in the issue are concerned: *Provided*, the chancellors shall have power to grant new trials under the same rules and regulations that the circuit courts now have power to grant new trials.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 20, 1846.

CHAPTER CXXIII.

An Act to authorize the removal of the seat of justice of Cocke county, and change the name of said county to the name of Union county.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Green Allen, Thomas J. Reeves, B. L. Bouldin, Thomas J. Easterly, John Smith, Gen. A. E. Smith, Maj. John Ghormah, Allen Clevenger, Esq., Henry Hickey, Joseph Paget, Samuel Yeates, George Nease, Jacob Parrott, Jonathan Bibbe, John Woods, Sr., William Robinson, William Ogden, John Garle, James McNabb and Jacob W. Shults, are hereby appointed commissioners for Cocke county, and said commissioners, or a majority of them, are authorized to select and designate some eligible site on which to locate the seat of justice for said county. And when said site is so selected, it shall be the

duty of said commissioners to give notice to the sheriff of said county of the site so selected, and said sheriff, on being so notified, shall proceed to hold an election at each civil district in said county, first giving twenty days notice thereof, at five of the most public places in the county, at which election the citizens of said county are required to vote for or against the removal from the present seat of justice to the site so selected. And the sheriff of said county is hereby required to hold said election and to report the result thereof to the commissioners aforesaid.

New site.

SEC. 2. *Be it enacted*, That if a majority of the qualified voters of said county shall vote in favor of the new site, so selected, the commissioners, or a majority of the same mentioned in the first section of this act, are hereby fully empowered and authorized and invested with full power to carry into effect this act as hereafter directed.

Purchase of land.

SEC. 3. *Be it enacted*, That it shall be the duty of the commissioners aforesaid, to procure by purchase or otherwise, a deed of conveyance with covenants of general warrantee, for a sufficient tract of land, at the site so selected, made to themselves and successors and assigns, and shall cause said town to be laid off with as many streets and alleys as they shall deem sufficient, with a suitable square for the erection of public buildings, and said commissioners may reserve such lots as they may deem advisable for the purpose of erecting a jail, literary institutions or churches on them.

Sale of lots.

SEC. 4. *Be it enacted*, That the commissioners aforesaid, shall sell the lots in said town on a credit of twelve months, first giving thirty days notice of said sale in some newspaper published in East Tennessee, and shall take bond with security from the purchaser or purchasers of said lots, payable to themselves and their successors in office, and shall make a title in fee simple, as commissioners, to the respective purchasers of said lots, retaining a lien thereon until the payment of the purchase money is made.

Fund to defray expenses.

SEC. 5. *Be it enacted*, That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of said commissioners for the defraying the expenses incurred in the purchase of said tract of land on which said town is situated, and for defraying the expenses of erecting the necessary public buildings, and all the expenses incident to the execution of the several duties hereby imposed on said commissioners.

Public buildings.

SEC. 6. *Be it enacted*, [That it shall be the duty of said commissioners,] to superintend the erection of such public buildings as the county court of said county shall and may direct to be built, and shall let the same out on the most advantageous terms, and take bonds from the undertaker with ample penalties, and sufficient securities, payable to them-

selves and their successors, conditioned for the faithful performance of his or their contract.

Commissioners to give security

SEC. 7. *Be it enacted*, That said commissioners, after said site is selected as aforesaid, and before advertising and selling said lots, shall enter into bond with good and sufficient security, payable to the chairman of the county court and his successors in office, conditioned faithfully and truly to perform all the duties herein assigned to them, well and truly to apply, pay over and account for all monies which shall and may come to their hands, as shall and may be directed by the county court of said county.

Oath.

SEC. 8. *Be it enacted*, That said commissioners, hereby appointed, before entering upon the duties assigned them by this act, shall take an oath to faithfully and impartially discharge the same, and shall have such compensation for their services as may be allowed by the county court, a majority of the justices being present and voting for such compensation.

Name of town.

SEC. 9. *Be it enacted*, That said town shall be designated and known by the name that a majority of the commissioners may choose to call it, and that when the public buildings are erected and completed, notice thereof shall be given by the chairman of the county court, in some newspaper published in East Tennessee, and immediately on such publication being made, it shall be the duty of all officers required by law to hold their offices at the court house, immediately to remove the same with all documents and archives thereto belonging, to said new court house, at which, thereafter, all courts now directed by law to be held at the present seat of justice, shall be held at the new court house in said town.

Election.

SEC. 10. *Be it further enacted*, That at the time of holding the election for removing the county site, it shall be the duty of the sheriff or coroner also to hold an election at the same places, and under the same rules and regulations, for the purpose of changing the name of said county from that of "Cocke" to "Union," and if a majority of all the qualified voters in said county should be in favor of the name of "Union," then, in that case, the name of Cocke county shall in future be designated and known by the name of Union county.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 28, 1846.

CHAPTER CXXIV.

An Act to change the time of holding the Circuit Courts for the county of Dyer.

Dyer county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, the circuit courts for the county of Dyer shall be held on the second Mondays of February and June, and the first Monday in October. *Provided*, That the first court after the passage of this act shall be held as now provided by law.

Madison.

SEC. 2. *Be it enacted*, That the December term of the circuit court of Madison county be changed from the fourth Monday in December, in each year, to the third Mondays of December; and the circuit court for said county shall hereafter be held upon the days now provided for by law, except the December term, which shall be held as aforesaid.

Lexington.

SEC. 3. *Be it enacted*, That the chancery courts at Lexington shall hereafter be held on the first Monday in May, and second Monday in December, in every year.

Jackson.

SEC. 4. *Be it enacted*, That the first term of the chancery court at Jackson shall be held on the first Thursday after the first Monday in May next; and thereafter the said court shall be held in the second Mondays in January and July, in every year, instead of the times prescribed by the act establishing said court.

Savannah.

SEC. 5. *Be it enacted*, That the chancery court at Savannah, shall hereafter be held on the fourth Monday in February, and the first Monday in September, in every year. *Provided*, The first court shall be held on the first Monday in March, as now prescribed by law.

Chancery court at Paris.

SEC. 6. *Be it enacted*, That the Chancellor of the Western Division of this State, shall immediately after the passage of this act, appoint a clerk and master for the chancery court at Paris, who shall reside in Henry county, any law to the contrary notwithstanding.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 28, 1846.

CHAPTER CXXV.

An act to incorporate the Port Royal Manufacturing Company.

Body corporate

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons who shall subscribe stock to the company which this act is intended to incorporate, be and they are hereby constituted and declared to be a body corporate and politic, by the name and style of the "Port Royal Company."

Capital.

SEC. 2. *Be it enacted*, That said company shall have succession of members for ninety-nine years, that its capital stock may be extended to two hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, and shall be deemed personal property, and be transferable on the books of said company under such regulations and restrictions as said company by its by-laws may prescribe.

Privileges.

SEC. 3. *Be it enacted*, That said company may purchase and hold in fee simple such water privileges on Red river, in Montgomery county, in the State of Tennessee, together with such real estate as they may require for the purpose of carrying on the manufacture of all goods which cotton, wool, hemp and flax form a part, and for the establishment of a flour or paper mills, and for the construction of such machinery as may be necessary in carrying on any of the above named branches of manufacture.

SEC. 4. *Be it enacted*, That said company may sue and be sued in all courts of law and equity; may have and use a common seal, and make such by-laws, for the regulation and government of the affairs of said company, as may be deemed proper. *Provided*, The same are not inconsistent with the laws and constitutions of the State of Tennessee and of the United States.

Board of Directors.

SEC. 5. *Be it enacted*, That the affairs of said company shall be conducted by a board of directors, to be chosen from amongst the stockholders annually. Said board of directors shall be composed of five members of the corporation, and to be elected by a plurality of those voting, each stockholder having one vote for each share he may own, and said board, when so elected, shall choose one of their number to be president thereof, and shall hold their offices until their successors shall be elected.

Powers.

SEC. 6. *Be it enacted*, That said board shall have power to call for and demand of said stockholders the payment of the sums subscribed by them to the capital stock of said company, in such instalments as they may deem best for the interest of the company; and may have power, either to declare such shares, as shall not be paid upon the calls

made by them, forfeited to the company or to proceed against such delinquent stockholders by action of debt, before any tribunal having cognizance thereof.

Directors make report.

Sec. 7. *Be it enacted*, That the board of directors of said company shall annually, at the expiration of their term of office, make a written report to the stockholders, exhibiting the amount of stock subscribed, the amount paid in, and the amount expended and received in the business of said company; and said board shall never have power to incur greater liabilities on behalf of said company than the amount of its capital stock, nor shall the stockholders be liable therefor to a greater amount than the stock actually owned by them in said company.

Other companies may join.

Sec. 8. *Be it further enacted*, That any other manufacturing company, incorporated by the laws of this State, may subscribe all or any portion of its capital stock to the stock of the Port Royal Company, upon such terms as may be agreed upon between them, not inconsistent with their respective charters.

Commissioners.

Sec. 9. *Be it further enacted*, That Felix Northington, Geo. Smith, A. D. Carden, C. N. Carney, A. C. Gaines, B. Mallory, E. L. Fort, George A. Washington, James H. Merriweather, George J. McCauley, S. Warden, John P. Williams, Robert B. Carr, Thomas Cross, P. Peacher, be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said company, and any three of them shall have power to open books after due notice thereof, at such times and places as they may deem most expedient to receive subscriptions to the stock of said company.

Meeting of stockholders.

Sec. 10. *Be it further enacted*, That when one hundred shares shall have been subscribed, the said commissioners, or a majority of them, may proceed to declare the company organized, and shall call a meeting of said stockholders at Port Royal, in Montgomery county, in Tennessee, of which meeting at least thirty days notice shall be given, in some newspaper published at Clarksville, and at such other point as they may deem most proper.

Directors.

Sec. 11. *Be it enacted*, That when the stockholders shall have met at Port Royal, as above required, they shall immediately proceed to the election of a board of directors, and that it shall be the duty of said board, before entering upon any other duties, to draw up and submit to the stockholders, for their ratification, such by-laws for the regulation and government of said company as they may deem most expedient; which by-laws, when ratified by the stockholders, shall be entered on the books of the company, and shall not be repealed except at a general meeting of the stockholders. *Provided*, The individual property of the

stockholders shall be bound for the debts and liabilities of the company.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 28, 1846.

CHAPTER CXXVI.

An Act to amend an act, entitled "an act to establish the county of Hancock, in honor of John Hancock, one of the patriots of the revolution, passed January 7, 1844, chapter 71.

Commissioners. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That A. P. McCarty, Anderson Campbell, Richard Mitchell, William Nichol, of Hawkins county, and James Richie, James Fulkerson, John Farmer, Marshall Brewer and Alexander Bates, of Claiborne county, commissioners of Hancock county, or a majority of them, are hereby authorized and empowered to employ some suitable person to re-survey said county, and to make all necessary alterations in the original lines of said county, so as to avoid constitutional objections.

Organization. SEC. 2. *Be it enacted*, That after the commissioners shall have made the re-survey of said county of Hancock, as provided for in the 1st section of this act, they shall then proceed to organize said county of Hancock, as required by the act which this is intended to amend.

Putnam co. surveyed. SEC. 3. *Be it enacted*, That Richard F. Cooke, William H. Richardson and James Bartlett, be and they are hereby appointed commissioners to survey the county of Putnam, in such manner, that the counties from which the county of Putnam is taken shall not be reduced below their constitutional limits, nor their seats of justice approached nearer than twelve miles, as prescribed in the constitution; and if upon such survey, they can obtain a constitutional county, they shall report the same to the next session of this General Assembly. *Provided*, That said survey shall not include any portion of White county in Civil District No. 12. known as the head of Calf Killer, in said county.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 29, 1846.

CHAPTER CXXVII.

An Act to incorporate the Eaton and Troy turnpike company.

WHEREAS, A turnpike road has been constructed across the Middle Fork of Forked Deer River, and its bottom at Eaton, and across the South Fork of said river, in a direction to the town of Ripley, of Lauderdale county, in virtue of a charter granted by an act of the General Assembly, passed on the 17th day of February in the year 1836, entitled "an act to establish the Forked Deer Turnpike Company;" and whereas, it is desirable, and of great advantage to the country to have said road extended from Eaton across the north Fork of Forked Deer river and its bottom, and across the Obion river and its bottom in a direction to Troy in Obion county. Therefore,

Body corporate

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That for the purpose aforesaid, the formation of a company is hereby authorized, which shall consist of the Stockholders, and when formed shall be a body corporate by the name and style of the Eaton and Troy Turnpike Company, and by such name shall have, enjoy, possess and exercise all the rights, powers, privileges and franchises so far as the same may be applicable, that the stockholders in said Forked Deer Turnpike Company, have by the terms of said act of 17th February, 1836, and be subject to the limitation and restrictions therein imposed.

Capital.

SEC. 2. The capital stock shall be twelve thousand dollars to be divided into shares of fifty dollars each, and John A. Taliafero, James Fields, Hugh Y. Bone, Wm. W. Lea, Nelson J. Hess, Rolla P. Rains and Hiram Pertee shall be a board of commissioners who may at such times and places and upon such terms as they may think proper, sell, dispose of, or open books for subscriptions for the stock of said turnpike company, and shall have all other powers and perform the duties prescribed for the board of commissioners of said Forked Deer Turnpike Company.

Commissioners.

Tolls.

SEC. 3. *Be it enacted*, That so soon as a good turnpike road and bridge be constructed across either the North Fork of Forked Deer or the Obion river, said company may then erect a gate at each river, and receive the same tolls at each gate that the said Forked Deer Turnpike Company is authorized to receive.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 29, 1846.

CHAPTER CXXVIII.

An Act for the relief of the Register of Middle Tennessee.

Be it enacted by the General Assembly of the State of Tennessee, That the penalty of the bond to be given by the register of Middle Tennessee at Nashville shall hereafter be ten thousand dollars instead of fifty thousand, as now required by law.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 29, 1846.

CHAPTER CXXIX.

An Act to better organize the State Prison, and to prevent it from conflicting with the mechanical interests of the country.

List of debts due prison.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the agent and inspectors of the prison, within twenty days after the passage of this act, to take a list of all the monies and debts due the prison, which are undoubtedly good, and a list of all the manufactured articles and materials to be sold, and annex a price thereto, at which they can be sold upon a credit of six months for notes well secured and payable in the Bank of Tennessee. Out of said monies, debts and the sales of said articles, the said agent and inspectors shall set

Amount for expenses.

apart a sum sufficient to meet all the expenses of the prison for the next two years; and in making an estimate of the sums required, they shall be governed by the average expenses of the last four years. All the balance of the proceeds of the sale of manufactured articles and materials, and other funds left, after setting apart the amount to meet the expenses of the prison, shall be collected by the clerk of

Amount for Capitol.

the prison, and paid over to the building commissioners for constructing the capitol, to be used by them as other funds for said work. The said clerk shall take receipts for all sums so paid, and file them with the vouchers of the prison.

Employment of convicts.

SEC. 2. *Be it enacted*, That the residue of the convicts left, after setting apart the number to perform work for the capitol, shall be employed by the agent and inspectors at other pursuits.

Materials reserved.

SEC. 3. *Be it enacted*, That it shall be the duty of the agent to reserve from sale, out of the materials on hand,

those to be worked by the convicts mentioned in the second section of this act.

Contingent fund.

SEC. 4. That the funds accruing from the labor of convicts, not employed at work for the capitol, shall be retained for the support of the prison after two years, and as a contingent fund, to meet expenses which might arise from a sudden increase in the number of convicts.

Inspectors.

SEC. 5. *Be it enacted*, That it shall be the duty of the Governor to nominate to the Senate, at each regular session, three persons, who, when confirmed by the Senate, shall be inspectors of the penitentiary until their successors are chosen as above; and they shall perform the duties as such, as required by law; and shall receive the same compensation, and in the same manner, as was allowed to the inspectors appointed under the authority of the third section of an act, passed January 27, 1838. All vacancies in said board of inspectors shall be filled by the Governor.

Punishment.

SEC. 6. *Be it enacted*, That corporal punishment shall in no instance be inflicted in said prison, except under the written authority of a majority of the Inspectors addressed to the agent, and any officer or officers of said prison, who shall corporally punish any convict without the authority aforesaid shall be dismissed from office by the Inspectors.

Privy.

SEC. 7. *Be it enacted*, That it shall be the duty of the agent and inspectors to cause to be constructed a privy for the use of said prison of sufficient size with a pit and chimney so as to prevent and carry off offensive odors arising from the deposits, which privy the agent shall at all times cause to be kept clean, the work of constructing said privy shall be performed by the convicts.

Work.

SEC. 8. *Be it enacted*, That the convicts shall be worked within the walls of the prison under the existing police regulations.

Repeal.

SEC. 9. *Be it enacted*, That the 2nd section of an act, passed 30th January 1844, making the Secretary of State, Comptroller and Treasurer inspectors of the Penitentiary be and the same is hereby repealed.

Settle with Comptroller.

SEC. 10. *Be it enacted*, That it shall be the duty of the agent of the Penitentiary to settle with the Comptroller at the end of every three months, commencing with the 1st day of April next, and produce to said Comptroller receipts and vouchers shewing the manner in which he has expended all sums of (money) for feeding and clothing the convicts and other necessary expenses of the prison. In all cases the convicts shall be fed, and clothed out of the proceeds of the prison, and under no circumstances shall it be lawful for the inspectors to make contracts to feed the convicts by the day, or ration, or to clothe them by contract.

SEC. 11. *Be it enacted*, That it shall be lawful for the

agent of the Penitentiary to furnish to each convict one pint of coffee each day.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 29, 1846.

CHAPTER CXXX.

An Act to amend the laws now in force for the improvement of the navigation of the rivers in the Western District and other purposes.

Forked Deer river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners of the Forked Deer river may employ hands to clear out or otherwise improve the navigation of said river, and pay for the same in the manner now prescribed by law: *Provided*, That any money paid out under this act shall be out of the funds heretofore appropriated to the Forked Deer river, and ordered to be paid by the Bank of Tennessee: *Provided*, Any of said money remain unpaid, otherwise there shall be no money paid out under the provisions of this act: *And provided further*, The said commissioners shall not employ their own hands, nor be interested in the pay of others.

SEC. 2. *Be it enacted*, That the commissioners of said river, shall not be compelled to improve the north fork of said river higher than Debury's mill, nor the south fork higher than Jackson. *Provided*, said commissioners, on examination, should be of opinion that the interest of the community would be more advanced by appropriating the funds below said points.

Locks.

SEC. 3. *Be it enacted*, That it shall be the duty of said commissioners, to furnish in writing, each mill owner, with the description of such lock as he will be required to erect and keep up at his mill, which description shall be recorded by the Secretary of said board; and it shall not be lawful for any person or persons to attempt to pass through any of said locks with any boat or raft, unless the same be less than ten feet in width, and ten feet in length, than the lock through which they shall attempt to pass, under penalty of all damages said locks may sustain, and the record of said board shall be sufficient evidence of the size of any lock in any court of justice in any action for damages.

When locks must be completed.

SEC. 4. *Be it enacted*, That it shall be the duty of every person or persons owning a mill or mills on any part of said river, which may hereafter be improved within twelve months from the time they may be furnished with the di-

mensions of his, her, or their lock, to have the same completed for the safe passage of boats according to the size given them; and it shall be the duty of said board of commissioners, or a majority of them, to examine the same, and if they shall find it well executed, and of the length and breadth required, it shall be lawful for said commissioners, or a majority of them, to make any allowance to the builder they may think right and just, not exceeding two hundred dollars, to be paid in the manner prescribed by the existing laws. *Provided however*, That no allowance shall in any case be made to any person, who may have erected a mill on said stream since the 27th January, 1840.

Refusal to make locks.

SEC. 5. *Be it enacted*, That if any person or persons, owning a mill or mills on said river, after having been furnished, as before required, with the dimensions of his, her or their lock, for the space of twelve months, shall have willfully neglected or refused to complete the same; it shall be the duty of said commissioner to report such person or persons to the circuit court of the county in which said mill is, and if it shall be made appear to the satisfaction of the court, that the commissioners have complied with the requisitions of this act, it shall be the duty of said court to order the removal of the dam or other obstructions at the expense of the owner. *Provided however*, said commissioners shall not be bound to report any person who may have his, her or their lock in progress, and have been prevented from completing the same by night water, sickness or any other unavoidable cause.

Obstruction of river.

SEC. 6. *Be it enacted*, That any person or persons who shall wilfully cut down any timber into said stream, or procure the same to be done, for the purpose of obstructing, or shall by any other means obstruct the navigation of said river, or increase the difficulties of clearing out the same, shall be liable to indictment in the circuit court of the county in which such offence may have been committed, and on conviction shall be fined the sum of one hundred dollars, and moreover be imprisoned thirty days, and in prefering indictments, it shall not be necessary that a prosecutor be marked thereon.

Repeal.

SEC. 7. *Be it enacted*, That the fifth section of an act, passed the 29th of January, 1844, chapter 198, be and the same is hereby repealed. *Provided*, H. L. Blackwell, of Haywood county, be continued a commissioner of Forked Deer river.

Payment to Mill owners.

SEC. 8. *Be it enacted*, That it shall be the duty of the respective boards of river commissioners, in the western district, after having examined and received the locks built by mill owners, provided for in this and former acts of this General Assembly, to draw an order in favor of such mill owner on the nearest branch of the State Bank for the

amount due to such mill owner, which order shall be paid by such Branch Bank and charged to the river on which such lock has been constructed, such payment shall be made out of the fund heretofore appropriated to said river in the western district, and shall not be made out of any other fund whatever.

Obion river.

SEC. 9. *Be it enacted*, That it shall be the duty of the board of commissioners for the improvement of the navigation of the Obion rivers, in the western district, to examine the lock built at his mill by M. L. Lockridge on the north fork of the Obion river, and if a majority of said board shall be of opinion that said lock will answer the purposes of its construction by safely admitting the passage of boats, it shall be their duty to draw a check for two hundred dollars on the Trenton Branch of the State Bank in favor of said Lockridge, in full compensation for building and keeping said Lock in repair, which sum shall be paid by said Branch Bank out of any monies not otherwise appropriated, heretofore set apart for the improvement of the navigation of said Obion rivers.

Extension of time to contractors.

SEC. 10. *Be it enacted*, That the commissioners for the improvement of the Forked Deer River, may and they are hereby authorized to extend the time allowed to the present contractors for the completion and fulfilling their contracts to twelve months from the passage of this act, upon such contractors giving such additional security for the performance of the existing contracts as the commissioners may require; *Provided*, That the taking of additional security shall not release, or in any manner impair, the liabilities of the present securities of said contractors for the performance of and completion of the present contracts for the improvement of said river.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 29, 1838.

CHAPTER CXXXI.

An Act to amend an act passed 19th January, 1838, to establish a State Bank and to raise a fund for Internal Improvements, &c.

Discontinuance of branches.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the president and directors of the Bank of Tennessee, be and are hereby required to discontinue the branches of said Bank at Athens, Clarksville, and Columbia, and that they appoint an agent at each place to

wind up the concerns in such way as to collect in all the debts due, in not exceeding three years from this date, which agent shall give bond in the sum of $80,000, with good security, and be subject at all times to the orders of the principal board:

Collection of debts.

SEC. 2. That as fast as said agent collects in the debts of said branches, he shall transmit the same to the principal bank, to be by the board vested in State bonds, or in banking at the branches, as said board may find most advantageous.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 30, 1846.

CHAPTER CXXXII.

An Act to appoint commissioners in Hardin county to employ a competent surveyor to meander the Tennessee River and for other purposes.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John J. Williams, Jesse B. Gantt, Daniel Smith, Bowen Davy, and James W. Cantrell, of the county of Hardin, be and they are hereby appointed commissioners.

SEC. 2. And that said commissioners, or a majority of them, shall meet in the town of Savannah, on the first Monday in February or March next, and shall form themselves into a board, and shall take an oath, administered by some acting justice of the peace for said county, to comply with the regulations of this act.

Surveyor.

SEC. 3. And it shall be the duty of the aforesaid commissioners as soon as practicable, to employ a competent surveyor or mathematician, to meander the Tennessee river, in the county of Hardin, on both sides of said river, by taking the courses and distances by correct measurement from the Alabama State line to the Wayne county line, along the banks of the said Tennessee river.

Map.

SEC. 4. And it shall be the duty of the surveyor or mathematician, to procure suitable canvas or parchment or large paste board, as the commissioners may think best, and shall make a complete map or plan of said county, laying the said river down correctly on said map or plan, representing the original surveyor's districts, with all proper surveys, grants, entries and locations, on a scale of proper size, to be determined by said commissioners.

SEC. 5. And said commissioners shall have power to

let the contract to one or two persons, at their discretion, holding them both bound for the completion of all the work in the time as agreed on by the parties.

Commencement of work.

SEC. 6. And it shall be the duty of said commissioners to have the work commenced as soon as practicable.

Surveyors to examine.

SEC. 7. And it shall be the duty of the commissioners, as soon as the work is completed, to call on two competent surveyors, who shall not be interested with the undertaker of said work, and lay the work before said two surveyors for examination; and should the surveyors and commissioners, or a majority of them, believe the work agreeable to the contract, then they shall give the undertaker a certificate to the entry-taker, who shall pay the same out of any money in his hands, received in payment of the sale or entry of public or occupant land in said county, and should there not be a sufficient sum in said entry-taker's hands, it shall be paid out of the first money which may be paid in for the lands as aforesaid. *Provided*, that said map or plan shall not cost more than five hundred dollars.

SEC. 8. *Be it enacted*, That the surveyor or undertaker shall have free access to all the books, papers and documents belonging to the entry-taker's office in said county.

Voucher.

SEC. 9. *Be it enacted*, That the certificate of the commissioners to the entry-taker, setting forth the amount as agreed on between themselves and the surveyor or undertaker, which shall be a good and sufficient voucher for the entry-taker on his settlements with the Comptroller of the Treasury.

Survey of Tennessee river.

SEC. 10. *Be it enacted*, That it shall be the duty of the surveyor of Benton county, to make an accurate survey of the Tennessee river, so far as it is the line of said county, and furnish notes of the same to the entry-taker of said county, whose duty it shall be, to make out, for the use of said county, a correct plan thereof according to said survey, for which services said surveyor shall receive two dollars and fifty cents per day, and two chain carriers seventy-five cents each, for the time they may necessarily be employed in said work, out of the proceeds of the occupant lands in said county, and the entry-taker for making said plan shall receive the sum of one hundred and fifty dollars, to be retained out of any moneys arising from the entry of vacant or occupant lands in said county.

Commissioners to make plan of Wayne county.

SEC. 11. *Be it enacted*, That the clerk of the county court, the sheriff and county trustee of the county of Wayne, and their successors in office, be and they are hereby appointed commissioners to contract with and employ some competent mathematician to make a complete plan of said county, upon a scale of two hundred poles per inch, for which services he shall receive a compensation, to be agreed upon with said commissioners, not exceeding

three hundred dollars, to be retained and paid out of the proceeds of the occupant lands in said county. And it shall be the duty of the surveyor of said county, to meander the Tennessee river on both sides in said county, and make out a plat of the same, which shall be correctly placed upon said plan, and he shall be allowed the same fees, as are now allowed by law for similar services, out of the proceeds of said lands, and the receipt of the surveyor and the certificate of said commissioners, as to the amount to be paid for said plan and the receipt of the person employed to make the same, shall be good vouchers in the hands of the entry taker of said county, in settlements with the Comptroller of the Treasury. River to be meandered.

Sec. 12. *Be it enacted*, That whenever James C. Cruise and Lewis T. Wade shall build a lock and dam at their mills, on Big Sandy river, it shall be the duty of the commissioners of said river to examine it, and if they are of opinion that said lock and dam are sufficient for the passage of boats, it shall be the duty of said commissioners to draw an order on the Branch of the State Bank at Trenton for two hundred and fifty dollars; to be paid to the said James C. Cruise and Lewis T. Wade, in full compensation for their services, out of the seven thousand dollars already appropriated to said river. Cruise and Wade's dam.

Sec. 13. *Be it enacted*, That Henry West of Perry county, be and he is hereby appointed a commissioner on the turnpike road, chartered to C. H. Williams, this session, from Lexington to Perryville, and that he shall have the same power as the other commissioners upon said road. Road from Lexington to Perryville.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 30, 1846.

CHAPTER CXXXIII.

An Act to Incorporate the Mississippi Rail Road Company.

Whereas, two lines of Rail Roads, commencing on the Southern Atlantic Coast, one at the city of Charleston, and the other at Savannah, running northwestardly in the direction of the junction of the Mississippi and Ohio river, unite in the territory of Georgia, about three hundred miles from the coast, which thus united find a common continuation to the northwest, through the Georgia State Rail Road to Chattanooga, on the Tennessee river. *And whereas*, a charter has recently been granted to extend the line of rail

road from the latter place to Nashville, and it is desirable and of great importance to the country to have it carried on to a connexion with the Mississippi river at the nearest suitable point below the mouth of the Ohio: Therefore,

Incorporation.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That for the purpose of continuing through the State of Tennessee, the line of rail road from the Southern Atlantic ports, to the heart of the Mississippi Valley, the formation of a company is hereby authorized for the purpose of constructing a rail road from Nashville to some suitable point on the northern boundary line of this State, west of Tennessee river, in a direction to the town of Hickman, on the Mississippi river, in the State of Kentucky, and with the consent of the Legislature of Kentucky, to the latter place, which shall consist of the stockholders, and when formed, shall be a body corporate, by the name and style of the Mississippi rail road company, and by such name, shall have and enjoy, possess and exercise all the rights, powers, privileges and franchises, so far as the same are applicable, which the Nashville and Chattanooga rail road company have, by the terms of an act, passed December 11th, 1845, entitled "an act to incorporate the Nashville and Chattanooga rail road company," and be subject to the limitations and restrictions therein imposed. *Provided*, that the prohibition against granting a charter for any lateral or parallel road, shall not be applicable to this charter.

Capital stock.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be one and a half millions of dollars, to be divided into shares of twenty-five dollars each, and that George W. L. Marr, Thomas James, Jesse Leigh, William C. Fite, John Johnson, John D. Aydolette, James W. Gibson, H. O. Beaty, Thomas M. Smith, William C. Edwards, Benjamin Totton, John A. Gardner and Emmerson Etheridge, are hereby appointed a board of commissioners, who may at such times and places, and upon such terms as they may think proper, sell, dispose of, or open books for the subscription of said stock, and who shall in all respects have the same powers and perform the duties prescribed for the board of commissioners of the Nashville and Chattanooga rail road company, by the 4th section of the act aforesaid.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 30, 1846.

CHAPTER CXXXIV.

An Act to attach a portion of Coffee county to the county of Grundy.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the county of Coffee as is hereinafter designated, be and the same is hereby attached to the county of Grundy, viz: Beginning on the top of the Cumberland mountain, on the Grundy county line; thence west down the old bush Gap-ridge to the old Coffee county line; thence with the old Coffee line to Street's old place; thence to the mouth of Bradley's Creek; thence up Elk river to a stake on the south side of said river; thence to the Grundy county line, so as to include the territory taken off the county of Franklin, in the year 1837, and annexed to the county of Coffee, and the line that divided Franklin county and Coffee county now be the dividing line between Coffee county and Grundy county, and that all officers both military and civil, hold their offices until others are elected.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 30, 1846.

CHAPTER CXXXV.

An Act to authorize the Supreme Court to do justice in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That in all cases in which the Supreme Court may have given judgment, or may hereafter give judgment against any party, through inadvertence or oversight, when upon the face of the record, no cause of action existed against said party, it shall be the duty of said court at any subsequent term to vacate such judgment on motion, and also all other judgments founded upon the same against officers for a failure to execute process issued on such unjust judgment: *Provided,* That it shall be apparent in the record that the original judgment was rendered through inadvertence or oversight and against a party not liable to any judgment according to the laws of the land: *Provided however,* The court shall see the error and order the motion to be made.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, January 31, 1846.

CHAPTER CXXXVI.

An Act to authorize the Stockholders of the Murfreesborough and Manchester Turnpike Company to McAdamize an additional five miles of said road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the individual stockholders of the Murfreesboro' and Manchester Turnpike company be and they are hereby authorized to McAdamize an additional five miles of said road, commencing at the southern extremity of the McAdamized part of said road, and when the said five miles are McAdamized, the stockholders shall be authorized to put up one gate and shall be entitled to receive the same rates of toll that are received by the other gates, and all the tolls thus received at this gate shall belong to the individual stockholders.

One gate.

SEC. 2. *Be it enacted*, That the further time of twelve months be allowed to the company to complete the above road.

Time to complete.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CXXXVII.

An Act to authorize a survey of the dividing line between Claiborne and Campbell counties, and for other purposes.

Whereas, Doubts have arisen as to the true line between Claiborne and Campbell counties, particularly that portion of the county line extending from where the Powell's valley road crosses the same at or near Franklin Smith's to the Kentucky line, and for remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county courts of Claiborne and Campbell counties shall each appoint one commissioner and one surveyor for the purpose of running and marking that portion of the dividing line between the aforesaid counties, beginning where the Powell's valley road crosses the county line at or near Franklin Smith's; extending thence agreeably to the original courses of said line to the Kentucky line.

Running county line.

SEC. 2. *Be it enacted by the authority aforesaid*, That the dividing line authorized to be run and marked by this act, shall be considered and held to be the true line between

True line.

the aforesaid counties of Claiborne and Campbell, from and after the running and marking thereof.

Nathan Buchanan.

Sec. 3. *Be it enacted by the authority aforesaid*, That inasmuch as Nathan Buchanan Esq., an acting justice of the peace for Claiborne county, lives, or resides near where this line will pass when run, it is hereby provided in case the aforesaid Nathan Buchanan Esq. falls within the limits of Campbell county, then and in that case the said Buchanan's official acts as a justice of the peace for Claiborne county shall be recognized and held good and valid as if the said N. Buchanan Esq. had remained in Claiborne county.

Expenses of survey.

Sec. 4. *Be it enacted by the authority aforesaid*, That the counties of Claiborne and Campbell shall each pay one half of the expenses of this survey, and the county courts of Claiborne and Campbell counties are hereby authorized and required to make appropriation to meet allowances for running and marking the aforesaid line.

Compensation.

Sec. 5. *Be it enacted by the authority aforesaid*, That this survey shall be made on or before the 1st Monday in July next, and the commissioners and surveyors shall receive out of their county treasury, if there is money on hand not otherwise appropriated, a reasonable compensation for their services.

James King.

Sec. 6. *Be it enacted*, That the dividing line between Cannon and Wilson counties be so amended as to include the residence of James King in the county of Cannon.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CXXXVIII.

An Act to incorporate the Female Academy in the county of Henry and for other purposes.

Trustees of Paris female academy.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William R. Harris, John H. Dunlap, Shelbourn Loving, William H. Thompson, John W. Matthewson, James D. Porter, C. Pedeer, Thomas R. Porter, James Worthom, M. C. Bowles and John W. Blanton be and they are hereby constituted a body politic and corporate to be known by the name of the trustees of the Paris Female Academy, and by that name shall hereafter have perpetual succession and a common seal.

Hold land, &c.

Sec. 2. *Be it enacted*, That the said trustees and their successors by the name aforesaid shall be capable in law

to purchase, receive and hold to themselves and their successors forever any lands, tenements, goods, or chattels, which shall be given, granted, or devised to them for the use of said academy, and to use and dispose of the same in such manner as to them shall seem most advantageous to said academy, and the said trustees and their successors by the name aforesaid may sue and be sued, plead and be impleaded in any court of law or equity in the State or elsewhere.

Powers.

SEC. 3. *Be it enacted*, That said trustees and their successors shall have power to hold meetings which may be convened by any four of them, not less than six of whom shall constitute a board to do business. The said board shall have power to fill vacancies which may occur by death, resignation or otherwise, and to transact all business of every description relating to the interest, government, and management of said academy, in such manner as to them shall seem expedient and necessary: *Provided*, said board of trustees shall not have power to make any by-laws, rules or regulations which may be inconsistent with the laws of the United States or the State of Tennessee.

Trustees of Big Spring Academy.

SEC. 4. *Be it enacted by the General Assembly of the State of Tennessee*, That William C. Swanson, J. H. Curtis, Daniel L. Barringer, William Moseley, William Goggin, Noah Scales, Randolph Newsom, H. F. Holt, R. H. Sims, Bluford Davidson, Jonathan Moseley and Thomas Dean be and they are hereby constituted and appointed a body politic and corporate by the name and style of the trustees of the Big-spring Male Academy in the county of Bedford, and by that name may sue and be sued, implead and be impleaded, and shall have the power to acquire and hold property, and to exercise and enjoy all such powers and privileges as are possessed by the trustees of the Dickson Academy in the county of Bedford.

Officers, by-laws, &c.

SEC. 5. *Be it enacted*, That the trustees are authorized to fill any vacancies which may occur in the board by death or otherwise, and elect a president and all other necessary officers for the management of the institution, and make such by-laws as they may deem proper, not inconsistent with the laws of the land.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CXXXIX.

An Act to appoint commissioners for the Bean's Station Turnpike road, and for other purposes.

Money from tolls.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, it shall be the duty of the commissioners of the Bean's Station turnpike road, to lay out the money arising from tolls received on the said road exclusively in working the same, and no portion of it shall be directed or applied hereafter by the commissioners, to the working of any other road.

Proceeds of tolls to pay expenses.

SEC. 2. *Be it enacted, by the authority aforesaid*, That it shall be the duty of the commissioners of said Bean's Station turnpike road, to have that part of the road leading through Claiborne county, from Cumberland Gap to Clinch river; and in Grainger county, from Clinch river to Cheek's cross-roads in Grainger county, worked under the direction of the respective overseers of said road, entirely by hands hired by them, and paid out of the money received for tolls on said road; and that every portion of said road be worked and kept in repair by the money received at the toll gate or gates on said road.

Work on road.

SEC. 3. *Be it enacted by the authority aforesaid*, That should the money received at the gate or gates erected on the Bean's Station turnpike road, be insufficient to keep the said road in repair, then and in that case the commissioners are hereby authorized and required to direct the overseer on said road, to require all persons subject to work on roads, residing within one half mile on each side of said turnpike road, lying between Cumberland Gap, in Claiborne county, and Cheek's cross roads in Grainger county, to work on said road, not more than three days in each year, and said commissioners shall take special care that the citizens of each county shall work an equal number of days on said road, and no more. *Provided*, that should the overseer of said road, not require the hands aforesaid to work on said turnpike, this section shall not be so construed as to exempt such persons, so residing on the said turnpike road, from working other roads as the county courts of their respective counties may direct.

Neglect to keep road in repair.

SEC. 4. *Be it enacted by the authority aforesaid*, That the commissioners of said Bean's Station turnpike road, shall be punishable by indictment or presentment, either in Grainger or Claiborne county, as the case may be, in the same manner that overseers of county roads are indictable under the laws of this State for neglecting or failing to keep said road in good repair, or any portion thereof, for thirty successive days at any one time.

Bridge.

SEC. 5. *Be it enacted by the authority aforesaid*, That the commissioners for the aforesaid Bean's Station turnpike road shall have the power to cause a strong substantial wooden bridge to be built over Sycamore creek, at or near Shults' where the turnpike road crosses the same, and it is hereby made their duty, from time to time, to make or cause to be made such alteration and improvements on said road, both in Grainger and Claiborne counties, as they, the said commissioners may deem to be necessary and proper. *Provided*, the same can be accomplished from the means arising from the tolls received at the gate or gates on said road.

Commissioners.

SEC. 6. *Be it enacted by the authority aforesaid*, That from and after the passage of this act, whenever by law the time arrives for the county courts of Grainger and Claiborne counties to elect commissioners for the aforesaid Bean's Station turnpike road, it shall be the duty of the county court of Claiborne county to elect two commissioners, and the county court of Grainger county to elect one commissioner, and at the next election thereafter, Grainger county shall elect two and Claiborne county one commissioner, and so on alternately forever, so that each of said counties have an equal opportunity of having their respective portions of said road attended to.

Repeal.

SEC. 7. *Be it enacted by the authority aforesaid*, That all laws and parts of laws conflicting with the provisions of this act be and the same are hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CXL.

An Act to change the name of the Knoxville Female Academy and for other purposes.

East Tennessee Institute.

SECTION 1, *Be it enacted by the General Assembly of the State of Tennessee*, That, from and after the passage of this act, the Knoxville Female Academy shall be known by the name and style of the East Tennessee Female Institute; and the trustees of the said East Tennessee Institute, shall have the power to confer degrees as the trustees of the East Tennessee University have.

Albion academy.

SEC. 2. *Be it enacted*, That John F. Howland, B. G. White, R. C. Miller, John B. Prewet, Benjamin Fugett, E. T. Childress, E. H. Hale, M. T. L. Clemonds, S. W. Jamison, Stockley White, D. H. Johnston and Felix G. Miller,

be and they are hereby constituted a body politic and corporate, by the name and style of the President and Trustees of the Albion Male Academy, and as such they and their successors shall have perpetual succession, and be capable in law of purchasing, receiving and holding any lands or other property for the use and benefit of said Academy; may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

Central academy.

SEC. 3. *Be it enacted*, That Jesse Sikes, Joseph Watkins, Levi Wade, Richard Hazelwood, James Bass, Patterson Miles, C. L. Davis, B. W. Henry, Jackson Smith, George W. House, W. D. Neal, Isaac Burlson and John W. Richardson, be and they are hereby constituted a body politic and corporate, by the name and style of the President and Trustees of Central Academy, and as such they and their successors shall have perpetual succession, and be capable in law, of purchasing, receiving and holding any lands or other property for the use and benefit of said Academy; may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

Powers.

SEC. 4. *Be it enacted*, That said President and Trustees of Albion Academy, and said President and Trustees of Central Academy and their successors, shall have in all other respects the same powers and privileges granted to the Harpeth Male Academy, in the county of Williamson, by an act of the General Assembly, passed on the 26th of October, 1829.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CXLI.

An Act to authorise the Farmers' and Merchants' Bank of Memphis to establish a Branch at Chattanooga, and for other purposes.

Memphis bank.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the President and Directors of the Farmers' and Merchants' Bank of Memphis, are hereby authorized to establish a branch of said bank at Chattanooga, with the rights, powers and privileges possessed by the other stock banks of this State, in relation to the establishment of branches, and under the same rules, regulations and restrictions; and that the President and Directors of the Principal Bank may, from time to time, appoint a board, to consist of five directors, who shall manage the affairs of

said branch, under the direction of the board of directors of the principal bank.

Union Bank. SEC. 2. *Be it enacted*, That the President and Directors of the Union Bank of Tennessee, be and they are hereby authorized to establish a branch of said bank at Clarksville, in Montgomery county.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 30, 1846.

CHAPTER CXLII.

An Act for the relief of Montgomery McTeer.

Be it enacted by the General Assembly of the State of Tennessee, That Montgomery McTeer, be and he is hereby empowered and authorized to collect the public arms which have been distributed to the East Tennessee Highlanders, in Blount county, and to return and deposit said public arms with the proper authorities at Knoxville. *Provided*, That nothing in this act shall be so construed, as to release said McTeer from any liabilities he may have hitherto incurred as one of the securities of Capt. Samuel Anderson, for the safe keeping of said public arms.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CXLIII.

An Act authorizing William Grant and Company, to open and cut out a Turnpike Road, and for other purposes.

Turnpike in Polk county. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Grant and Company, be and they are hereby authorized to open and cut out a turnpike road, commencing at or near the mouth of Greasey creek, in the county of Polk, and then running along the dividing ground between the Hiwassee and Ocoee rivers to the Georgia line, at or near where John Davis now lives, subject to all the rules, regulations and provisions, and entitled to the same emoluments, power and privileges, as is

prescribed in an act, passed the fifteenth of January eighteen hundred and forty-four, granting to John F. Hannah and Company the right to open and cut a turnpike road.

Commissioners.

SEC. 2. *Be it enacted*, That John F. Hannah, John Davis and John Hughes, all of the county of Polk, and State of Tennessee, are hereby appointed commissioners to view and examine said road in like manner, and with the same emoluments, power and duties, and authority given to the commissioners appointed to examine a turnpike road granted to John F. Hannah by the act of 1843 and 4, chapter 101.

Franklin and Columbia Turnpike.

SEC. 3. *Be it further enacted*, That the Franklin and Columbia Turnpike Company, be and they are hereby authorized to move the first toll gate north of Columbia, opposite to the house where the gate-keeper now lives. *Provided*, That no person in passing said gate, if removed as authorized by this act, shall be compelled to pay toll unless he would have to pass said gate and pay toll in his travel on said road if the gate was located at the point required by the original charter of said turnpike company. *And provided*, That the legislature may at any time alter or repeal this privilege.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CXLIV.

An Act to change the time of comparing the polls in the election of Representative of Campbell and Anderson counties.

Be it enacted by the General Assembly of the State of Tennessee, That in the election of Representative for the counties of Campbell and Anderson the polls be hereafter compared at Jacksborough, on the next Saturday after the election instead of the next Monday, as heretofore.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 29, 1846.

CHAPTER CXLV.

An Act to increase the jurisdiction of the Criminal Court of Shelby county, and for other purposes.

Jurisdiction.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the criminal court of Shelby county shall have jurisdiction of all civil causes arising in the fifth, thirteenth and fourteenth civil districts, in which Memphis, South Memphis and Fort Pickering are situated, as fully, in the same manner and to the same extent that the circuit courts of this State now have, any law to the contrary notwithstanding.

Regulations.

SEC. 2. *Be it further enacted*, That in the trial or adjudication of civil causes, said criminal court shall be governed and regulated by the same rules and regulations that govern and regulate the circuit courts of this State in similar cases; and in all cases where one or more joint promisors, undertaker or undertakers, or other parties to any contract or obligation, whether written or otherwise, on which suit is hereafter commenced in said criminal court, reside beyond the jurisdiction thereof, it shall be lawful for the clerk of the same, to issue counterparts of writs or other process, as is now practised in said circuit courts; and it shall be the duty of the sheriff of Shelby or any other county in this State, to execute the same on said non-residents, at least five days before the setting of said criminal court, to which said writs are made returnable.

Judges salary.

SEC. 3. *Be it further enacted*, That the judge of said criminal court, hereafter elected, shall receive for his services, the annual salary of fifteen hundred dollars. Said judge shall have full power to issue writs of injunction, *mandamus*, *certiorari*, grant license to persons qualified to practise law, or issue other process, and do all other matters and things as fully and to the same extent, that the circuit judges of this State are by law authorized or empowered to do.

Conflict with circuit court.

SEC. 4. *Be it further enacted*, That nothing in this act, shall be so construed, as in any manner to effect the jurisdiction of the circuit court of Shelby county.

Interchange.

SEC. 5. *Be it further enacted*, That the judge of the said criminal court, and the judge of the 11th judicial circuit, may interchange and hold each other's courts in the same manner that circuit judges are now by law authorized to exchange circuits.

Adjournment.

SEC. 6. *Be it enacted*, That the said court shall have full power and authority to adjourn from time to time, and sit on its own adjournments, and to order special terms of said court whenever the judge of said court shall be of opinion that the public interest shall require such special terms.

SEC. 7. *Be it enacted*, That the several judges in this

State shall have power to solemnize the rites of matrimony in the State of Tennessee. Matrimony.

SEC. 8. *Be it further enacted*, That the style of said court shall hereafter be the Commercial and Criminal Court of Memphis. Style.

SEC. 9. *Be it further enacted*, That the judge of said court shall not be allowed to practice law in any of the courts in this State. Judge not to practice.

SEC. 10. *Be it enacted*, That the judge of the criminal court for the county of Davidson, may have the privilege of practicing law in all criminal cases in any of the courts in this State, out of Davidson county. Davidson criminal court.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 29, 1846.

CHAPTER CXLVI.

An Act to repeal an act, for the benefit of Richard Rail, passed 24th November, 1825, chapter 208.

Be it enacted by the General Assembly of the State of Tennessee, That the above recited act, be and the same is hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 29, 1846.

CHAPTER CXLVII.

An Act authorizing Elijah Evans to build a slope and dam in Clinch river,

Be it enacted by the General Assembly of the State of Tennessee, That Elijah Evans, of Grainger county, is hereby authorized to build a slope and dam in Clinch river, for the benefit of his saw mill, so as not to obstruct the navigation of said river.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 30, 1846.

CHAPTER CXLVIII.

An Act to establish a Male Academy in the county of Lewis.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an academy is hereby incorporated in the county of Lewis to be the academy for said county, and to be known by the name of Lewis academy, and James H. Cameron, William R. Chalk, Hugh B. Venable, James Patton, Robert M. Cooper, Redding Reaves, Alfred P. Buchner, William Biffle and John Akin and their successors be and they are hereby appointed and constituted a body politic and corporate by the name and style of the trustees of Lewis academy, and by such name may sue and be sued and acquire property, real and personal, and hold and sell, and convey the same and enjoy all such rights as are usually possessed and exercised by other incorporated academies of this State.

Officers.

SEC. 2. *Be it enacted*, That any five of said trustees shall constitute a quorum for the transaction of business, and are authorized to elect a president and all officers necessary for the management of the institution, and may make such rules as they may deem necessary, not inconsistent with the laws of the State.

Vacancies.

SEC. 3. *Be it enacted*, That upon the death or refusal to act, removal or resignation of any member of said board of trustees, the county court of Lewis county shall appoint some citizen to fill all such vacancies.

Location.

SEC. 4. *Be it enacted*, That said academy shall be located in the town of Gordon or at some suitable place in the vicinity of said town, and it shall be the duty of the superintendant of public instruction of the academy fund, to set apart and pay to said academy its due portion of the academy fund after the 1st day of January 1846.

Appropriation.

SEC. 5. *Be it enacted*, That two hundred and forty dollars, if the amount should be in the Treasury unappropriated, be and the same is hereby set apart out of the academy fund and allotted to the Lewis academy in the county of Lewis, and that the Comptroller of the Treasury pay over said sum of money to the trustees of Lewis academy when application is made for the same after the academy is organized according to the provisions of this act.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 29, 1846.

CHAPTER CXLIX.

An Act to permanently establish the seat of Justice in Morgan county.

Election.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the officers authorized to hold elections for county officers, and they shall on the first Saturday in August next, open and hold an election at the several places of voting in said county for county officers, when all persons constitutionally entitled to vote for said officers may vote for the place where the permanent seat of Justice, in Morgan county, may be located, namely, whether it shall remain at Montgomery, or be removed one mile east of Montgomery, to a place known by the name of Wartsburgh, or whether it shall be removed west of Montgomery, to a point designated by five commissioners, hereinafter appointed.

Commissioners.

SEC. 2. *Be it enacted*, That Edridge Myatt, George Kington, Jesse Adkins, Jesse Triplett and Capt. Joseph Howard, be and they are hereby appointed commissioners to name and designate a place west of Montgomery; and it shall be the duty of said commissioners to designate and name the place to be voted for, ten days before said election, in August next, and all those wishing the county seat to remain at Montgomery, shall put the word Montgomery upon their ticket, all those wishing it to be removed to Wartsburg, shall put the word Wartsburg upon their ticket, and all those voting for the place west of Montgomery shall put whatever name upon their ticket the commissioners heretofore appointed may direct.

Places to be voted for.

SEC. 3. *Be it enacted*, That the town of Montgomery, the place known by the name of Wartsburg and the place known and named by the commissioners appointed in the first section in this act west of Montgomery, shall be put in nomination, and if upon comparing the votes, it is found that either Wartsburgh or the place designated and named, west of Montgomery, by said commissioners, shall receive a majority of all the votes cast, then the county seat shall be removed to the place that receives the majority; if it is found that neither place has received a majority of all the votes cast, then the county seat shall remain at Montgomery.

Removal of seat of justice.

SEC. 4. *Be it enacted*, That if the seat of Justice shall be removed agreeably to the provisions in the third section of this act, that John White, John W. Davis, Elijah Lavinder, James Bennet and Thomas Staples, be and they are hereby appointed commissioners, who, or a majority of them, shall on or before the first Saturday in September next, proceed to fix on a suitable and eligible site for the seat of justice at Wartsburgh, or the place named and designated, west of Montgomery, by said commissioners, to procure by pur-

chase or otherwise a sufficient quantity of land, on which to erect all public buildings for said county, at the place so selected, for which they shall cause a deed or deeds to be made to them and their successors, by general warranty.

Laying off town.

SEC. 5. *Be it enacted*, That it shall be the duty of said commissioners, to cause a town to be laid off at the place selected, with as many streets and alleys, of such width as they may deem necessary, reserving a sufficient quantity of land for a public square, and separate lots on which to build a jail, and the said town when laid off, shall be known by such name as may be given to it by said commissioners herein appointed.

Sale of lots.

SEC. 6. *Be it enacted*, That the commissioners shall sell the lots in said town, on a credit of twelve months, first giving due notice thereof in one or more newspapers, and shall take bond with good and sufficient securities from the purchasers of said lots, payable to themselves and their successors in office, and retain a lien upon the lots for the purchase money, and when the purchase money is paid shall make title in fee simple, as commissioners, to the respective purchasers of said lots. *Provided*, the said commissioners shall require ten per cent of the purchase money to be paid at the time of the sale of said lots.

Purchase of land for county seat.

SEC. 7. *Be it enacted*, That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of said commissioners for defraying the expenses incurred in the purchase of said tract of land, on which the seat of Justice is located, and for laying off the town, and also for defraying the expenses of the public buildings, and said commissioners superintend the building of the court-house, jail and other necessary public buildings, and shall let out said buildings as the county court of said county shall order to be built, and shall take bond with good and sufficient securities from the person or persons to whom the same may be let out, payable to themselves and their successors in office in a sum double the amount of the contract, conditioned for the faithful performance of his or her contract.

Commissioners oath.

SEC. 8. *Be it enacted*, That said commissioners, before they enter upon the duties of their office, assigned them by virtue of this act, shall take an oath or affirmation, that they will truly and faithfully execute and perform the different duties by this act enjoined upon them, according to their best skill and judgment; and moreover shall enter into bond with approved security, payable to the chairman of the county court of Morgan county, and his successors in office, in the sum of five thousand dollars, conditioned for the due and faithful performance of the duties enjoined upon them by this act.

SEC. 9. *Be it enacted*, That said commissioners shall keep a fair and accurate statement of all moneys by them receiv-

ed and expended, and shall annually report all their proceedings to the county court of said county, and when the necessary public buildings are completed, the said commissioners, by order of the county court of said county, shall pay over all surplus money, if any shall be found remaining in their hands, to the county trustee of said county, for county purposes, and they shall be allowed by the county court, a reasonable compensation for their services, to be paid out of the proceeds of the sale of said lots.

County court to fill vacancy.

SEC. 10. *Be it enacted*, That should a vacancy occur by death, resignation or otherwise, the county court of said county is hereby authorized to fill such vacancy, by the appointment of other commissioners, who shall take the same oath and perform the same duties as are prescribed by this act.

Tax.

SEC. 11. *Be it enacted*, That should the money arising from the sale of said lots, be insufficient to pay for building said court house and prison, it shall and may be lawful for the county court of said county, a majority of the justices concurring therein, to lay a county tax, not exceeding the State tax, which may be continued from year to year until a sufficient sum shall be raised to pay for said buildings, which tax shall be collected by the sheriff, under the same rules and regulations as other taxes, and shall be by him paid over to said commissioners for said purpose, and if the sheriff shall fail to pay over the same, he shall be liable to a judgment on motion against him and his securities, in the name of said commissioners, in the same manner as for failing to pay over other taxes.

Removal of seat of justice.

SEC. 12. *Be it enacted*, That the officer holding said election, shall make a return of the number of votes given in said election, for and against the removal of the seat of justice, to the county court of said county, on the first Monday in October next, and the said county court, at that or some other subsequent session, shall adjourn their court to meet at the place the town may be located, and shall direct, by an order of court, the county officers who are required to keep their offices at the county seat, to move their offices with all the records and papers belonging thereto, to the place to which the court may adjourn.

County and circuit courts.

SEC. 13. *Be it enacted*, That the county court when they adjourn the court as directed by this act, shall direct their clerk to notify the clerk of the circuit court of said county of said adjournment, and the place to which they have adjourned, and the clerk of the circuit court shall give the Judge of said circuit court the same notice, and thereupon the Judge of said circuit court shall hold the court for said county at the place to which the county court may have adjourned, and the clerk of the circuit court shall move all the records and papers of his office to the place so selected,

to be there kept, and all writs, recognizances and other process made returnable to Montgomery, and now there pending before the adjournment of said court, shall be returned to the place to which said county court was adjourned, and shall be as good and effectual as if made returnable to said place so adjourned to; and no writ, recognizance, process or other proceedings shall abate or other wise be impaired or rendered void by reason of such adjournment or removal.

Size of Coffee county.

SEC. 14. *Be it enacted*, That nothing in said act contained, shall be so construed, as to reduce the said county of Coffee below the constitutional number of square miles.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CI.

An Act to charter the Sevier Turnpike Road.

Incorporation.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That James P. H. Porter, John Sandridge, Allen S. Bryan, William Gatlett, George McCowen, John Walker, William Ogle, sr. J. H. Hammer and William S. J. Ford, and their associates, be and they are hereby incorporated a turnpike company, to be called and known by the name of the Sevier County Turnpike Company, and they are hereby authorized to open books for the purpose of receiving subscriptions to the amount of six thousand dollars, to be applied to the purpose of making a turnpike road, in Sevier county, from the top of the Smoky Mountain, on the line between the State of North Carolina and the State of Tennessee, to Pigeon Forge, on the west fork of Little Pigeon river above Sevierville. Said capital stock of six thousand dollars shall be divided into shares of twenty dollars each, and as soon as the sum of two thousand dollars shall be subscribed, a meeting of the stockholders shall be held at Sevierville, in Sevier county, of which thirty days notice shall be given in some newspaper printed in Knoxville; after which first meeting the stockholders shall be and they are hereby constituted a body politic and corporate, by the name above stated, and together with those who may afterwards subscribe for, or purchase stock, shall so continue, and may own, sell and buy property sufficient for all the purposes of said road, may sue and be sued in their corporate name and character, and have, enjoy and possess all the rights, privileges and powers apper-

Capital.

taining to be one corporate and politic by law, and shall have succession for one hundred years; the subscribers, or a majority of them, in interest, at their first meeting, shall elect seven directors, who shall elect one of their number president of the board of directors, who shall continue in office for two years, and until others are elected and qualified to fill their places. The president and directors shall have power to open books and receive subscriptions, as they may think best, for the remainder of the stock necessary to complete said road. Powers.

Sec. 2. *Be it enacted*, That there shall be a meeting of the stockholders once every year, at such time and place as they at their different meetings may designate and appoint. Meetings.

Sec. 3. *Be it enacted*, That it shall be the duty of said commissioners, or any two of them, to open books for subscription at the county seat in the county of Sevier, and at such other places as they may think proper, on the first Monday in April 1846, and shall keep said books open for twenty days, at least, successively, Sundays excepted; and should the amount required to be subscribed not be taken within the time aforesaid, then it shall be the duty of said commissioners to continue to receive subscriptions until the whole amount is taken up, or at least a sufficiency to make said road. Open books.

Sec. 4. *Be it enacted*, That each subscriber shall pay to said commissioners, at the time of subscribing, the sum of one dollar on each share, the balance of said subscription may be paid in work and labor on said road: *Provided*, Any subscriber wishing to pay in work, will undertake and bind him or themselves to make a certain portion of said road, which may be agreed on, as low as any other person not a subscriber, will undertake and bind him of themselves to do the same work. Subscriptions.

Sec. 5. *Be it enacted*, That the president and directors of said company, shall be and they are hereby vested with all the powers and rights necessary for the building, constructing and keeping in repair said road, according to the law governing the first class roads in this State, of which description of roads the president and directors shall cause said road to be made, and the whole stock and property of said road, and the profits arising therefrom shall be vested in the respective stockholders, their heirs, representatives and assigns in the proportion of their respective shares. Building road.

Sec. 6. *Be it enacted*, That said company shall be vested with full power and authority to select their right of way on which to locate said road, and when any individual, through whose land it may be laid out, shall be dissatisfied, the commissioners shall not thereby be prohibited from making said road through such lands, but three disinterested freeholders shall be chosen by the county court of Sevier, Damages.

county, who, upon oath, shall assess damages to the objecting party for the amount of damages they may believe he, she or they will sustain by said road, always taking into consideration the probable advantage of said road to such individual, for which amount of damages, thus assessed, the stockholders shall be liable to the individual or individuals, and which may be collected as other debts, before any court or justice of the peace having jurisdiction thereof, which suit or suits shall run in the name of the party injured, against the president, directors and stockholders of the Sevier County Turnpike Road, or the person or persons owning said road.

Transfer of stock.

Sec. 7. *Be it enacted*, That the stock and shares of the said road may be transferred from one to another by an assignment on the books of the company, and the balance of the amount of subscription, after the first payment, shall be paid at such time as the president and directors may call for the same for the use of the company in the prosecution of the work.

Toll gate.

Sec. 8. *Be it enacted*, That when said road is completed and made equal to a first class road, according to the laws of Tennessee, as contemplated by the fifth section of this act, the president and directors shall be authorized to erect one toll-gate on said road, at any point they may think proper, and shall be authorized to demand and receive the following rates of toll, to wit: For each four-wheeled carriage of burthen, if drawn by four or more horses, mules or oxen, one dollar, if drawn by three, seventy-five cents, if drawn by two, sixty-two and one-half cents, if drawn by one fifty cents; for each two-wheeled carriage of burthen, if drawn by four or more horses, mules or oxen fifty cents, if drawn by three forty cents, if drawn by two thirty cents, if by one twenty cents; for each four-wheeled pleasure carriage, with the driver and passengers, if drawn by four horses one dollar, if drawn by two fifty cents, if drawn by one thirty cents; for each two-wheeled pleasure carriage twenty-five cents; for each man and horse or mule ten cents; for each led horse, mule or jack, not in a drove, five cents, if in a drove two cents each; for each head of cattle two cents; for each head of hogs or sheep one-fourth of a cent. *Provided*, That no person, who resides in the county of Sevier, shall be required to pay toll, except for droves of live stock and loaded wagons, for which they shall pay one half of the above rates of toll. *And provided further*, That no person who may be going or returning in the prosecution of neighborhood business, or may be going to or returning from mill, muster, court, blacksmithshop or preaching, shall be required to pay toll.

May sell road.

Sec. 9. *Be it enacted*, That after the said commissioners shall have kept their books for subscription open for the

spaces of time mentioned in the third section of this act, if no person or persons shall subscribe the amount of stock aforesaid, then and in that case said commissioners may lay and sell out said road to any person or persons who will undertake and bind him or themselves to make and build said road as required by this act, from the top of the Smoky Mountain, where the North Carolina road comes to the State line, to William Trentham's, in the White Oak Flats, in Sevier county, and said person or persons shall be entitled, when said road is completed, to receive the toll granted and allowed by this act.

Sec. 10. *Be it enacted*, That should the work not be commenced within two years, and completed in three, then and in that case the charter shall be null and void. Charter—when void.

Sec. 11. *Be it enacted*, That it shall be the duty of said company or person or persons as the case may be, who may make and build said turnpike road to cause said road to be graded or graduated, so that it shall not rise more than one foot in ten, at all places where the ground will by possibility admit of it, and the same shall be measured and plainly mile marked. Graduation of road.

Sec. 12. *Be it enacted*, That when said road shall be completed, it shall be the duty of the county court of Sevier county on the application of said company or person or persons building and owning said road, to appoint three disinterested freeholders, and the company shall appoint three of their own body, (if said road has been sold) who in conjunction with the three appointed by the court, shall examine said road and ascertain by actual observation, whether it be completed in conformity with the provisions of the charter, and do said persons so appointed, or a majority of them, certifying in writing under their hands that said road has been so completed, said company or said person or persons, as the case may be, shall have power and authority to demand and receive the tolls herein before stated. *Provided*, said persons so appointed for the aforesaid purpose, or a majority of them, shall once in every six months at least, and oftener if upon satisfactory information they believe said road to be out of repair, to examine the same, and in case the same shall be found out of repair the said persons shall then set said toll gate open, which shall not be closed until said persons, or a majority of them give their written certificates to the proprietors or proprietors, owner or owners of said road of its being put in repair, under the penalty of one hundred dollars, to be recovered at the suit of the State: *Provided further*, that in the event one, two or all of said persons shall refuse to act, die, resign or remove out of said county, the county court shall proceed to elect another or others as the case may be, and the said persons shall be entitled to demand and receive Commissioners to view.

from the proprietor or proprietors of said road, the sum of ten dollars each per day while engaged in the services required of them under this act: *Provided further*, that after said road has once been received by the persons appointed to examine it, there shall be but three persons chosen each as commissioners.

Evasion of toll.

Sec. 13. *Be it enacted*, That if any person shall secretly or clandestinely pass or attempt to pass by said toll gate, to evade the payment of the toll aforesaid, he, she or they shall for every such offence forfeit and pay said proprietor or proprietors the sum of five dollars, to be recovered by action of debt before any justice of the peace having jurisdiction thereof; and if any person shall sustain any damage on account of said road being out of repair, or by being detained by the keeper of said toll gate, such person shall be entitled to an action against the proprietor or proprietors for the damages by him or them sustained.

Repeal.

Sec. 14. *Be it enacted*, That all former acts passed in relation to said road, be and the same are hereby repealed.

Elk river bridge.

Sec. 15. *Be it enacted*, That Robert B. Harvey, Lewis G. Upshaw, Thomas Battle, A. L. Candley, F. B. Phillips, Early Benson, Reuben Freeman, Thos. Phillips, William Menifee, Thomas Martin and Andrew M. Ballentine, be and they are authorized to open books to receive subscriptions for stock in shares of twenty dollars each, for the purpose of building a bridge across Elk river at or near the termination of the Columbia, Pulaski, Elkton and Alabama Turnpike road.

Incorporation.

Sec. 16. *Be it enacted*, When the amount of five thousand dollars shall be subscribed the stockholders are hereby incorporated a body politic and corporate under the name and style of the Elkton Bridge Company, and under said corporate name may sue and be sued, and have succession.

Capital.

Sec. 17. *Be it enacted*, That the capital stock of said company shall be ten thousand dollars, and when the amount of five thousand dollars shall be subscribed, the commissioners shall convene the stockholders in the town of Elkton, after giving ten days notice, who, when convened, if a majority be present, shall proceed to the election of five directors, who shall take an oath truly and faithfully to discharge their duties. Said directors shall elect one of their own body president, and they may appoint all other officers they may deem necessary to transact the business of said company, and the directors may continue to receive subscriptions until the whole of said capital is subscribed for; they shall hold their office for the term of two years, and until their successors are elected and qualified.

Election of directors.

Investment by Com. of Giles.

Sec. 18. *Be it enacted*, That the internal improvement commissioners of Giles county are hereby empowered and authorized, two thirds of the board constituting therein, to invest

the internal improvement fund of said county in stock in said bridge, and the dividends arising from said investment shall forever inure to the benefit of said county to be appropriated to county purposes by the county court.

Tolls.

SEC. 19. *Be it enacted*, That the tolls for passing said bridge shall be as follows: for any loaded wagon twenty cents; for every empty wagon ten cents; for every four wheeled family carriage twenty cents; for every buggy, carryall or gig ten cents; for every cart loaded ten cents; empty five cents; every man and horse five cents; every loose horse one cent; every head of hogs, cattle, or sheep one fourth cent; all foot passengers shall pass free of toll.

Bridge not to impede boats.

SEC. 20. *Be it enacted*, That said bridge shall not be so constructed as to injure or impede the passage of boats down said river.

SEC. 21. *Be it enacted*, That any person passing said bridge without paying the above toll when demanded, shall forfeit the sum of five dollars for the use of said company, to be recovered before any justice of the peace: *Provided*, the property of individual stockholders shall be liable in the said bridge company.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.
Passed January 30, 1840.

CHAPTER CLI.

An Act for the benefit of Nancy Botts.

Whereas, Sarah Brown, a citizen of the State of Tennessee, and resident of the county of DeKalb, has made known to the General Assembly of the State of Tennessee, by petition, that it is her desire and will to have Nancy Botts (formerly Nancy Ross) made her lawful heir by special act of the General Assembly of the State of Tennessee: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Nancy Botts, formerly Nancy Ross, be and she is hereby declared the lawful heir of Sarah Brown, and shall be entitled to all rights, privileges and immunities as the heir and distributee of the said Sarah Brown, as much as if she was the child and heir of the said

Sarah Brown, and entitled to receive her property and effects by descent.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CLII.

An Act to charter the Knoxville and Virginia turnpike company.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That D. P. Armstrong, D. A. Deadrick, Arthur R. Crozier, Joseph L. King, of the county of Knox; Genl. William Brazelton, George Brazier, Col. William R. Caswell, John Roper, John Fain, Sr., and Col. Joseph Hamilton, of the county of Jefferson; Edward Tate, William T. Tate, Benjamin McFarland, William Williams, Thomas Whitesides and Samuel Gill, of the county of Grainger; N. Fain, Hugh Walker, S. D. Mitchell, George R. Powell, C. H. Coffin, and James R. Neal, of the county of Hawkins; Alexander Williams, William M. Lowry, Robert J. McKinney, William West, George Jones and Mordecai Lincoln, of the county of Greene; Thomas A. R. Nelson, David Kinney, Elijah Embree, Nathan Gammon, John Blair, John F. Deadrick, of the county of Washington; Daniel Nelson, David W. Carter, James J. Tipton, Jacob Cameron, and William Stover, of the county of Carter; John R. Dulaney, James A. Deery, Perry Rogan, Joseph H. Anderson, George Roland and John S. Gaines, of the county of Sullivan, are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of three hundred thousand dollars, for the purpose of making a McAdam Turnpike road, from Knoxville, eastward to some point on the Virginia line, to be designated as hereafter provided, which sum of three hundred and fifty thousand dollars shall be divided into shares of fifty dollars each, and the subscription shall be in person, or by attorney regularly authorized, but if a larger sum shall be necessary to build said road, the capital may be enlarged to five hundred thousand dollars, or any sum under. The

Open books.

commissioners heretofore appointed shall open books for subscription in the county towns of the counties where they respectively reside, on the first Monday of April next, and as soon as twenty thousand dollars shall be subscribed, a meeting of the stockholders shall be held at Knoxville, of

which meeting the managers of the subscription shall give twenty days notice in one or more newspapers printed at Knoxville, after which first meeting, the stockholders shall be, and are hereby constituted a body politic and corporate, by the name and style of the Knoxville and Virginia Turnpike company; and together with those who may afterwards subscribe for or purchase stock, shall so continue; and may own, sell and buy property, sue and be sued in their corporate name and character, and have and enjoy and possess all the rights, privileges and powers appertaining to bodies corporate and politic by law; and shall have succession for ninety-nine years. The subscribers, or a majority of them being present at the first meeting either in person or by proxy, shall elect nine directors, who shall be stockholders, who shall elect one of their number president of the board of directors; and the president and directors thus chosen, shall continue in office two years and until another election shall take place to fill their places, of which election notice shall be given in some newspaper printed in Knoxville; the president and directors thus chosen, shall have power to open books and receive subscriptions to the amount of the capital stock hereby granted, or to an amount sufficient to build said road. They shall lay out the route of said road along the best and most practicable route, and shall have power to make contracts for the opening and construction of said road; and may from time to time call for such payments on the stock subscribed, as the wants of the company may require: *Provided*, that not more than five dollars on each share shall be called for at any one time, of which twenty days notice shall be given in some newspaper printed in Knoxville. Said president and directors shall have power, in case of emergency, to call a meeting of the stockholders by giving thirty days notice of the time and place of meeting, in some newspaper printed in Knoxville. They may also appoint a clerk and treasurer, and such other officers as may be necessary; and transact all other business of said company, and prescribe the duties and fix the pay of all its officers and agents.

Body politic.

Directors.

Call meetings.

Sec. 2. If any subscriber should fail to pay any call or calls that are made, as prescribed in this act, he shall be liable to be sued therefor by said company, before any jurisdiction having cognizance thereof; or the said company may proceed and sell the stock of such delinquent subscriber, and the purchaser thereof shall have all the rights and be subjected to all the liabilities of the original owners and if upon a sale of the stock of such delinquent subscriber, it should bring more than the call and costs, the overplus shall be paid over to such subscriber.

Delinquent stockholders.

Sec. 3. The said road shall be opened at least thirty feet wide, at least ten feet of which shall be well paved with

Style of road.

stone, or gravelled, with sufficient ditches on each side to carry off the water or drain the road. The surface of the road shall descend from the centre to each side, and shall have sufficient and substantial bridges wherever necessary; and in all respects shall be completed in a substantial turnpike manner; and when the said road shall have been finished for the distance of seven miles from Knoxville, in the direction of the Virginia line, the President may apply to the Governor, who shall appoint three discreet and disinterested persons to view said road; and on the report of any two of them that the said road has been completed for the distance aforesaid, as prescribed in this act, it shall be the duty of the Governor to issue his certificate under the seal of the State, authorising the company to erect two toll-gates, one not nearer than one mile of the corporate limits of Knoxville, and the other not nearer than five miles of the first, and to appoint a toll-gatherer for each gate; and so soon as the road shall be completed five miles from the second gate, as herein directed, a similar application shall be made to the Governor, and the same proceedings as before directed, and so for every five miles until said road shall be completed; *Provided*, There shall not be more than twenty-four gates between Knoxville and the termination of said road on the Virginia line.

Tolls.

SEC. 4. The said company shall have the right to demand and receive the same toll which is given in an act, entitled "an act to incorporate a company to be called the Knoxville and Cumberland Gap Turnpike Company, and for other purposes," passed 27th January, 1838; and the said Knoxville and Virginia Turnpike Company is hereby invested with all the rights, powers and privileges, and shall be subject to all the liabilities and duties granted to the said Knoxville and Cumberland Gap Turnpike Company, except only when it conflicts with any provision of this act, or except when a different mode of proceeding is pointed out or granted in this act.

Forfeiture.

SEC. 5. The company hereby incorporated shall commence the construction of said road in four years, and complete it in ten years from the passage of this act, or the charter shall be forfeited.

Commissioners.

SEC. 6. *Be it enacted*, That Samuel Martin, James Keyes, Dr. Wm. W. Nelson, Dr. Wm. Wright, James Bell and George W. Mabry of Knox county; and John Whinson, John Chiles, John Jarnagin, James Ross, W. W. Walker and Alfred Cross of Anderson county; and John Carey, Jordan Smith, Thomas Weir, Robert Morrow, John Phillips and Wm. D. Crawford of Campbell county are appointed commissioners to receive subscriptions to the amount of one hundred and fifty thousand dollars, for the purpose of making a turnpike road from Campbell's Station

to Cumberland Gap, to be designated the Campbell Station and Powell's Valley Turnpike Road; which sum of one hundred and fifty thousand dollars, shall be divided into shares of twenty-five dollars each; books to be opened and subscriptions to be made in the manner prescribed in the first section of this act; and as soon as twenty thousand dollars shall be subscribed, a meeting of the stockholders shall be held in Clinton, twenty days notice thereof being given as required in this act, and the stockholders shall be organized and constituted a body politic and corporate, under the name and style aforesaid, in the manner prescribed in this act, for the Knoxville and Virginia Turnpike Company, and shall have all the powers and privileges, and be subjected to the penalties and restrictions, in this act granted to said company. The work shall be commenced at Campbell's Station, and be taken as completed when finished to Big creek in Campbell county, or at the option of the company may be continued to Cumberland Gap, in which case the capital stock may be increased to one hundred and fifty thousand dollars.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 30, 1846.

CHAPTER CLIII.

An Act to repeal the second section of "an act to extend the corporate limits of the town of Waynesborough in the county of Wayne; to authorise the county court of White county to define the corporate limits of the town of Sparta; and to incorporate the town of Unionville in Bedford county, passed 15th January, 1844," and for other purposes.

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of the act aforesaid, authorizing the county court of White county to define the corporate limits of the town of Sparta, be and the same is hereby repealed.

Corporate limits of Sparta.

SEC. 2. *Be it enacted*, That the corporate limits of the town of Sparta, in the county of White, be established and defined as follows: (to wit) Beginning at the mouth of a spring branch known as "Jackson's spring branch," where the same empties into the Calf Killer; thence a direct line bearing a north-eastwardly direction to a point including a small frame house called and known by the name of Thom-

an' Law office;' thence a direct line to the turnpike road at the mouth of a lane leading to the residence of Dr. Madison Fiske's; thence northwardly including the residence of Dr. Fiske and George O. Dibrell, to a point due east of the north east corner of the lot in the original plan of said town, whereon the widow Ogden now resides; thence west to the north west corner of the original plan of said town, thence south forty-five degrees west to the Calf Killer; thence down said river with its various meanders to the beginning.

Election. SEC. 3. *Be it enacted*, That the sheriff of White county shall hold an election at the court house in the town of Sparta, on the first Saturday in April next, for the purpose of electing a mayor and aldermen for said town, first giving ten days notice, at which election all free white persons residing within the limits of said corporation, authorized by law to vote for Governor and Members of the General Assembly, shall be entitled to vote; and forever afterwards said election shall be held on the first Wednesday in January in each and every year, under the same rules and regulations prescribed by an act of the General Assembly incorporating said town, passed 28th December 1841, which is hereby declared to be in full force and effect.

Corporation of Smithville. SEC. 4. *Be it enacted*, That an act passed December 4th, 1843, incorporating the town of Smithville in the county of DeKalb, be and the same is hereby so amended, as to give the sheriff of said county, by himself or his deputy, full power to open and hold an election in the town of Smithville, DeKalb county, at any time when thought expedient by the citizens of said town, for the purpose of electing one mayor, four aldermen, and one constable; and said mayor, aldermen and constable, so elected, to hold their offices for one year, unless in case of death, resignation or otherwise, then and in that case the sheriff, by himself or his deputy, being notified of such vacancy as may be occasioned by death, resignation or otherwise, and such mayor and aldermen elected as above prescribed, shall have full power to appoint one recorder and one treasurer. The officers elected as above prescribed shall hold their offices at the expiration of each year until their successors are chosen and duly qualified.

Corporation of New Market. SEC. 5. *Be it enacted*, That the mayor and aldermen of the town of New Market be and they are hereby authorized to levy a tax upon the property of non resident citizens who may hold or own property in said town, in as full and ample a manner as if said owner or owners of property lived within the incorporated limits of the same.

Authority of mayor. SEC. 6. *Be it further enacted*, That hereafter the mayor of said town of New Market shall be clothed with the au-

thority of a justice of the peace, in all cases of a violation of the laws of said corporation.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CLIV.

An Act to provide a Sinking Fund for the gradual extinguishment of the Public Debt.

Revenue set apart.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That so much of the revenue of the State, as may be derived from the act of 1843, chapter 115, entitled "an act to preserve the faith and credit of the State," &c., together with the dividends on the State stock in internal improvements, and the State tax on license for the retail of spirituous liquors, shall be set apart as a contingent fund to be applied to the payment of the interest on the State bonds: *Provided,* That should there be a surplus after paying the liabilities of the Treasury and Bank, the same shall be set apart as a sinking fund, and be made applicable to the purchase of the bonds of the State, at their market price, if not exceeding the par value thereof.

Commissioners.

SEC. 2. That the purchase of said bonds shall be made under the direction of the Governor of the State, the Comptroller of the Treasury and the President of the Bank of Tennessee, who are hereby constituted commissioners of the sinking fund.

Bonds of State.

SEC. 3. That the bonds purchased in conformity with this act, be destroyed in the presence of the commissioners aforesaid.

Loan by Comptroller

SEC. 4. *Be it enacted,* That if there shall be a deficit in the Treasury to meet and discharge the appropriation by law charged upon the Treasury, then the Comptroller of the Treasury shall negotiate a temporary loan with the Bank of Tennessee to meet such deficit.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CLV.

An Act to legalize the acts of William F. Kercheval, Entry-Taker of Lincoln county.

Be it enacted by the General Assembly of the State of Tennessee, That all the acts and deeds of William F. Kercheval up to this time, as entry-taker of Lincoln county, be and the same are hereby declared to be as good and valid, to all intents and purposes, as if he had been duly and legally appointed to, and had held his said office by and under the proper authority authorized to fill said office of entry-taker.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 29, 1846.

CHAPTER CLVI.

An Act for the relief of James Berry and others.

Whereas, in compliance with the 10th section of an act passed the 25th of January, 1840, entitled "an act to repeal all laws authorizing the Governor of the State to subscribe for stock in any internal improvement companies in behalf of the State, and for other purposes," The Governor appointed James Berry, A. H. Ruth and J. W. Netherland, commissioners to examine and report on oath, in writing, to the Comptroller, &c. for the State, as to the progress and management of the Hiwassee Rail Road. And,

Whereas, the above named commissioners did examine said Hiwassee Rail Road. Therefore,

Be it enacted by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury issue his warrant to James Berry for the sum of thirty-two dollars and fifty cents, and to A. H. Ruth for forty-two dollars and fifty cents, and to J. W. Netherland for forty-two dollars and fifty cents.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, January 29, 1846.

CHAPTER CLVII.

An Act to incorporate the Tennessee Deaf and Dumb School in the town of Knoxville.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Institution for the instruction of the Deaf and Dumb now in existence and operation in the town of Knoxville, be and is hereby incorporated, under the name and style of the Tennessee Deaf and Dumb school, and shall have perpetual succession, and is hereby invested with the rights to sue in law or equity, to take and hold real and personal property for its use and benefit, as a school, to have a seal and all other corporate rights necessary and proper to effect the ends for which this charter is granted; and is hereby subject to be sued in law or equity, and to all other liabilities to which a corporation is subject.

Deaf and Dumb

Trustees.

SEC. 2. That the said Deaf and Dumb school shall be under the control and management of a board of trustees, composed of the following six gentlemen, viz: Rev. R. B. McMullen, Rev. D. R. McAnnally, Rev. T. Sullins, Joseph Estabrook, J. H. Cowan and Campbell Wallace, and their successors in office; and in case of vacancy by death, resignation, removal or otherwise, the remaining trustees shall fill the same subject to confirmation by the General Assembly.

Officers.

SEC. 3. The board of trustees shall have the power of selecting and appointing all the officers of said school, and also the power to remove. The said board of trustees shall prescribe the salaries of all said officers, and shall have power to make all by-laws necessary and proper for the control and regulation of said school, and all other rights necessary and proper to carry into effect this charter, and shall have the control and management of the household and domestic affairs of said school, and shall have a general controlling influence over all the departments of said Institution and the said board of trustees are required to report to each General Assembly the condition of said school.

Appropriation.

SEC. 4. *Be it further enacted*, That twenty-five hundred dollars out of the State tax of the county of Knox, be, and the same is hereby annually appropriated for the term of two years from the passage of this act, to the use and benefit of said school, and that it shall be the duty of the sheriff and clerks of said county to pay over to said board of trustees any money in their hands belonging to the State; and the receipt of said board of trustees shall be a sufficient voucher for said sheriff and clerks, in a settlement with the comptroller of the treasury of the State for the same.

SEC. 5. *Be it enacted*, That the Institution for the instruc-

due and orderly conducting of their affairs and the management of their property.

Capital. SEC. 3. The capital stock of this corporation shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each, which shares shall be deemed personal property, and shall be transferrable in such manner as the corporation, by its by-laws may direct. And the corporation may increase said capital stock to any sum not exceeding one million of dollars whenever in the progress of its affairs it may be deemed necessary.

Commissioners. SEC. 4. That Joseph T. Ellison, John M. Bass, V. K. Stevenson, Saml. D. Morgan, Thomas W. Shearon, A. O. P. Nicholson, Andrew Ewing, S. V. D. Stout, Geo. W. Martin, and M. M. Monohan, or a majority of them, shall be commissioners to open books for receiving subscriptions to the capital stock of said corporation; said books shall be opened on the first Monday of April next, or at such other time within two years from the passing of this act, as said commissioners or a majority of them may appoint in Nashville and Clarksville, and such other places as the commissioners or a majority of them may think proper, and may be continued open from day to day until the whole of said capital stock shall have been subscribed; and they shall be continued open for ten days at least from the time of opening the same. Notice of the time and place of opening said books shall be published in one or more of the newspapers of Nashville and Clarksville, and other places in the discretion of the commissioners, once in each week for three weeks previous thereto. Each subscriber shall, at the time of subscription, pay to said commissioners five dollars upon every share subscribed by him; and unless the same be paid, the subscription shall be invalid.

Reduction of subscriptions. SEC. 5. If the whole amount of subscriptions exceed the sum of five hundred thousand dollars, the said commissioners or a majority of them shall, within ten days after closing said books, apportion the same among the subscribers; making the deductions equitably so as not to reduce any subscription below five shares.

Directors. SEC. 6. Immediately after said capital stock shall have been subscribed as aforesaid, or so soon as one hundred thousand dollars thereof shall have been subscribed, the commissioners or a majority of them shall give three weeks notice in one or more newspapers for a meeting of the stockholders to be held at some certain time and place in Nashville, to choose five directors to manage the concerns of said corporation. Of this election, the said commissioners or any three of them shall be inspectors, and shall give a certificate of their election to the persons chosen, who shall hold their offices until the first Monday in January, 1848, and until the election of their successors shall have been certi

fied as hereinafter prescribed, and the five dollars received by the commissioners upon each share, shall be paid over to the board of directors; or the treasurer of said corporation.

Election.

SEC. 7. There shall be an election of Directors on the first Monday of January, 1848, and on the first Monday of January annually thereafter; for which purpose the Directors for the time being shall give three weeks' notice in the manner mentioned in the last preceding section, of the time and place of such election, which shall be held in Nashville. Such election shall be held under the inspection of three stockholders not being directors to be appointed previous to every election by the board of directors; and the election shall be by a plurality of the votes of the stockholders and their proxies then present; allowing to each stockholder holding ten or any less number of shares one vote, and one vote for every additional ten shares; and no number of shares shall entitle the holder thereof to more than ten votes; and the said election shall be certified by the stockholders acting as inspectors in the manner mentioned in the last preceding section. The omission of the stockholders to meet and elect as aforesaid shall work no forfeiture, but they may be afterwards called together for that purpose by the directors.

President.

SEC. 8. The directors elect, immediately after their election shall meet and elect a president out of their own number, two directors including the president shall be a quorum to transact business, but in the absence of the president, a president pro tempore may be appointed. The business and concerns of said corporation shall be managed by said five directors who shall be stockholders, and shall each be the owner of at least ten shares; all vacancies in the directory shall be filled for the remainder of the year, by the rest of the directors.

Open books.

SEC. 9. Should directors be elected before the whole capital stock shall have been subscribed, they shall keep the books for receiving subscriptions open until the whole stock shall have been subscribed.

Instalments.

SEC. 10. The directors may require payment of the subscription at such times, and in such instalments as they may deem proper. They shall give notice of the payments thus required at least sixty days before the time of payment by publishing such notice in one or more of the Nashville newspapers, setting forth that unless the required payment be made, the stock will be forfeited. If after such notice, any stockholder fail or refuse to make the required payment, the directors may declare the stock of such delinquent and all previous payments made by him forfeited to the corporation.

SEC. 11. The said corporation by their agents and ser-

Materials—where obtained

vants may enter upon the said Cumberland river, and upon the lands on either side below the town of Nashville and within this State, and use the timber, rocks, stones, gravel or earth which may be found thereon, in the construction of their works, first giving notice to the owner or occupiers of the land; and form and make, erect and set up any dams, locks or other device whatever, which they shall think most fit and convenient to make a complete slack-water navigation below Nashville, to the Kentucky state line. Said dams shall not exceed sixteen feet in height; and the locks shall be of sufficient capacity to admit a safe and easy passage for steamboats, barges and other craft, up as well as down said river. *Provided*, the individual property of the stockholders shall be bound for the debts and liabilities of the company.

Damages.

SEC. 12. The corporations shall make amends for any damages that may be done on said lands, and pay the owner or owners for the materials taken away as well as for the land occupied in the construction of said dams and water works. If the parties cannot agree, the said damages are to be valued by five disinterested freeholders appointed by the consent of the parties, or if the parties cannot agree in such appointment, then by a disinterested justice of the peace of the county, and the report made by the freeholders so agreed upon or appointed, or a majority thereof, shall be filed in the office of the clerk of the circuit court of the county in which the land lies, upon which judgment shall be entered, and execution may issue in case of non-payment for the sum adjudged with reasonable costs to be assessed by the court. And in assessing the damages, the freeholders shall take into consideration the advantage to the owners of the lands derived from said improvements. Upon application of either party, the circuit court may order a jury to be summoned to assess said damages, and from the final judgment of said court an appeal or writ of error will lie to the supreme court, of errors and appeals. Before entering upon, or occupying any lands, the said corporation shall give security to be approved by the judge of the circuit court of the county where the lands lie, to pay the amount of damages which shall be finally adjudged against them, for such entry or occupation.

Water power.

SEC. 13. The said corporation may use the water power from said river to propel such machinery as may be necessary for the full enjoyment of the rights and franchises hereby granted; and may sell, in fee, lease or rent for one or more years, the said water power to any person or persons so as not to injure, impede or interrupt the navigation.

Purchase lands

SEC. 14. The said corporation shall have power to purchase lands on the banks of said Cumberland, and adja-

cent to their works that may be necessary to the exercise of the powers granted by this charter.

Toll.

SEC. 15. When said navigation or any portion thereof shall be completed, said corporation shall be entitled to receive such rates of toll per mile at the discretion of the directors as may be just and reasonable, subject however to the control and regulation of the General Assembly, if at any time, complaint should be made. The rates of toll are to be so regulated, that the net dividends shall not exceed eight per cent. per annum.

Contingent fund.

SEC. 16. Said corporation shall be permitted to set apart as a contingent fund for the purpose of defraying the expenses of extraordinary repairs or other unforeseen expenditures to which it may become liable, the sum of twenty per cent. of said tolls annually, until the said contingent fund shall amount to fifty thousand dollars, an account of which shall be fully set forth in the biennial report to be made to the General Assembly. And the directors shall submit to the General Assembly, at each of its regular sessions, a fair, full and complete account of all the receipts and expenditures of said corporation.

Directors to keep accounts.

SEC. 17. The directors of said corporation shall keep fair and just accounts of all moneys received by them for subscriptions to the stock, and also of all moneys by them expended, and shall every year submit said account to the stockholders at their annual meetings, or whenever required by stockholders owning one hundred shares.

SEC. 18. Said directors shall also keep fair and just accounts of all moneys received by them for tolls and the rent and hire of water privileges, and all other emoluments; and shall declare and make a dividend of the clear profits and income thereof among all the stockholders, all necessary cost and charges being first deducted. And, on the first Monday of January every year shall publish the dividend made of their clear profits, and the time when, and the place where the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly.

SEC. 19. The said directors shall, on or before the first Monday of September in every year, lay an abstract of the accounts of their receipts and disbursements before the comptroller, under oath or affirmation of the president of the corporation. And said corporation shall pay annually into the treasury of the State a tax of ten per cent. per annum on all dividends, which may exceed six per cent. on the capital stock paid in.

Tax.

Meetings.

SEC. 20. The president and directors shall meet at such times and places as shall be found most convenient for the transaction of their business; and shall keep minutes of all their transactions to be fairly entered in a book.

SEC. 21. All drafts or orders for money issued by the directory shall be signed by the president of the board of directors.

Boats arriving at locks.

SEC. 22. The commandant or master of any vessel or craft navigating said river, on arriving within one fourth of a mile of any of said locks, shall give notice of his approach by means of a horn, trumpet, bell or steam whistle; whereupon, the keepers of such lock shall immediately attend, and let such vessel or craft pass without unnecessary delay and in safety. And, if any vessel or craft so giving notice, be wilfully delayed in passing by the corporation or its agents, the commandant or master may recover against the corporation, by warrant before any justice of the peace of the proper county, a sum equal to three times the amount of the toll for passing, then chargeable to such vessel or craft.

Penalty.

SEC. 23. If the corporation neglect or refuse to keep in good order and repair any of said dams, locks or sluices, or shall neglect to remove any obstacle which may occur therein, so that vessels or crafts cannot, at all times, safely navigate said river, when the same is not prevented by some unavoidable cause,—said corporation shall, for every such default, pay the sum of one hundred dollars, to be recovered in the name of the State as debts of equal amount are recoverable, one half to the use of the informer, and the other half to the use of the common school fund of the State.

Damages.

SEC. 24. Any person who shall wilfully and knowingly do any act or thing, whereby the navigation shall be impeded; or any dam, lock, gate, or engine, machine or device therein belonging, or any machinery or property of the corporation, shall be injured or damaged, shall forfeit and pay to the corporation double the damages sustained, to be recovered before any magistrate or court of competent jurisdiction by action of debt in the name of the corporation.

Tolls.

SEC. 25. So soon as thirty miles of the slack water navigation aforesaid, shall be completed, the president and directors shall give notice thereof to the Governor, who shall, thereupon, nominate and appoint three disinterested persons to view and examine the same and report to him in writing, under oath or affirmation, whether the said works have been so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if their report be in the affirmative, then the Governor shall, by license, under his hand and seal of the State, permit said corporation or such persons, as they shall from time to time appoint, to collect the tolls, a rate of which shall be fixed by the corporation as herein before prescribed.

Charter—when void.

SEC. 26. If said corporation shall not commence said work within two years after the passage of this act, and

shall not complete the navigation to the Kentucky State line in seven years thereafter, then, in either of those cases, this charter shall be null, and the rights, privileges and franchises, hereby granted, shall revert to the State. And, in case of forfeiture by the corporation, the owner or owners of any water powers created by any dam erected by virtue of this act, shall be obliged to keep in perfect repair and good condition any dam or dams, lock or locks connected with such water power, under and subject to the same penalties as the corporation originally was; and may charge and receive the same tolls as the corporation is authorized to charge and receive. And in case the owner or owners of such water power shall neglect or refuse to keep the said dam or dams, lock or locks, as aforesaid, in good order and repair for the purpose of navigation as aforesaid, the legislature may resume all and singular the rights, privileges and franchises granted by this act.

State may purchase.

SEC. 27. At the end of fifty years from the completion of said navigation, the State may purchase the improvements made in pursuance of this act, by paying to the corporation the original cost of said improvements and the subsequent expenses with ten per cent. interest thereon,—deducting from the sum of principal and interest aforesaid, the dividends before declared by said corporation on the capital stock; and, on payment thereof by the State to the corporation, in such manner as shall be agreed upon by the corporation and the State,—all and singular the improvements aforesaid, with the appurtenances, water rights and privileges to said corporation belonging, shall be vested in the State; and the privileges and corporate rights hereby granted will thereupon cease and determine, excepting so far as the same may be necessary in the settlement of the concerns of the corporation.

Prohibitions.

SEC. 28. The said corporation shall not engage in any banking, monied, commercial or manufacturing concern, or in the transportion or storage of any merchandize, produce or other articles; nor shall they hold, erect or own any other lands, buildings, wharves or docks than such as are necessarry and convenient for their business as a navigation company.

Kentucky line

SEC. 29. The corporation may procure the right from the State of Kentucky to extend the said navigation below the Kentucky line as may be agreed upon between said State and said corporation. But the tolls chargeable at any improvement that may be made below the Kentucky line, shall be the same as those which shall be paid above.

Rescision.

SEC. 30. The right is hereby reserved by the State to provide by law for the resumption of the privileges hereby granted, upon condition that no such resumption, in whole or in part, shall annul or invalidate the contracts made by

or with the corporation, which may still continue with power to collect and recover and dispose of their estate real and personal, and pay their debts and divide the surplus. *Provided*, That nothing in this section contained shall be so construed as to authorize the State to resume the privileges hereby granted, without first providing fair and adequate indemnity for those persons who may have invested their means in the said improvements.

SEC. 31. The municipal and other corporations of the State may subscribe for, or purchase the stock of this corporation.

Passage free.

SEC. 32. Whenever there shall be a depth of water on Harpeth Shoals exceeding ten feet, the locks hereby contemplated to be constructed are to be opened free of charge for the passage of every vessel navigating said river. And it shall be the duty of said corporation to cause to be erected in the channel of the river on the said shoals a post, with heights conspicuously marked thereon in feet and inches, so as to indicate the depth of water at all stages. *Provided*, That no toll shall be demanded or received at any of the locks from any flat boat or raft, downward bound, when the natural stage of the water would enable said boats and rafts to pass the shoals.

Company bound.

SEC. 33. *Be it further enacted*, That said company be held bound for any damages that may result to flat boats or any other water crafts, from or in consequence of being stove or injured by said dam and lock; and that the said damages be recoverable by action of debt, as in other cases, before any tribunal having cognizance thereof.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CLX.

An Act to repeal an act, entitled "an act to allow but one gate to be kept on Scott's Turnpike Road in the county of Fentress.

Be it enacted by the General Assembly of the State of Tennessee, That the first section of the above recited act is repealed; and that it shall not be lawful for the proprietor of Scott's turnpike road to keep a gate upon said road in the county of Fentress.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXI.

An Act to prohibit vendors and retailers of goods, wares and merchandize, and other commodities on water courses, from selling without obtaining a license; and for other purposes.

Failure to obtain license.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That each and every person who shall vend and retail goods, wares, merchandize, groceries and other commodities, for the sale of which a license is required by law, without first having obtained a license therefor, shall forfeit and pay to the State of Tennessee the sum of five hundred dollars, to be recovered by action of debt, in the circuit court. And each and every person who shall vend or retail goods, wares, merchandize, groceries and other commodities, not exempt from taxation by the laws now in force, at his boat or water-craft, or should the owner or owners of said boat or water-craft, permit or allow any other person to vend goods, wares, merchandize, groceries and other commodities, not exempt from taxation by law, in his or their boat or water-craft, every such person so vending and retailing as aforesaid, without having first obtained a license therefor, as provided in the fourth section, act 1835, chapter 13, in the county in which they may vend or retail as aforesaid, together with the owner or owners of said boat or water-craft, shall forfeit and pay to the State five hundred dollars, to be recovered by action of debt in the circuit court. And said clerks are hereby required, upon information communicated to them of the violation of this act, to issue a *capias* against such persons, and the owner or owners of said boat or water-craft, or any one or more of them, and bail shall be required of them for their appearance. And should a judgment be had against such person

or persons vending or retailing as aforesaid, or against the owner or owners of said boat or water-craft on which said vending or retailing shall occur, said judgment shall have a lien upon said boat or water-craft for the payment of the same. And the Attorney General is required to prosecute said suit or suits, and to have the same fee that is allowed for prosecuting under the act, that this is intended to amend. And should the persons vending and retailing as aforesaid, and the owner or owners of said boat and craft, abscond and escape beyond the limits of the county, so that process cannot be served upon them, upon the return of that fact by the sheriff, the court shall issue an attachment against the boat or craft on which the vending occurred, which attachment may be issued to the sheriff in any county in the State, and upon the return of said attachment executed, the court shall proceed to try said cause, and enter judgment against the parties sued, and shall order said boat attached to be sold to pay said forfeiture and costs of suit.

License. SEC. 2. *Be it enacted*, That hereafter the owners or masters of any steam, keel or flat boat trading on any of the streams in this State may take out license from the clerks of the county court of the counties in which they may wish to trade, for three, six or nine months, and pay for the same in proportion to the amount required of them per annum by the existing revenue laws.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXII.

An Act to incorporate the Abbe Institute.

Abbe Institute. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the female branch of Campbell Academy at Lebanon, be separated from the male branch, and have a distinct corporate existence under the name and style of the Trustees of the Abbe Institute.

Trustees and officers. SEC. 2. The said institution shall be governed by seven trustees, who, and their successors, shall constitute a body politic and corporate, a majority of whom shall make a quorum for the transaction of business. The first board shall consist of Dr. F. R. Cossett, James H. Britton, David Cook, James H. Fisher, John Fakes, John S. Brien and J. B. Rutland. All vacancies that may occur in their body, shall be filled by the board, and entered upon the minutes.

They may elect from their own body a president, secretary and treasurer.

Powers.

SEC. 3. The said board shall have power to employ all necessary teachers and lecturers; fix the rate of tuition; prescribe the course of study; make all necessary rules and regulations; hold real and personal estate by purchase, gift or devise, and sell or exchange the same; to sue and be sued; to confer, in conjunction with the teachers, such literary degrees and diplomas as are usual in female academies; and have and enjoy all other powers and privileges that are incident to corporations of this description.

Campbell Academy.

SEC. 4. The charter of Campbell Academy is hereby so amended, as that the number of trustees shall consist of seven, so soon as by the occurrence of vacancies the board shall be reduced to that number, a majority of whom shall have power to transact business; and the board shall have the privilege of filling all vacancies that may occur below that number. The said board may elect a president, secretary and treasurer.

SEC. 5. In the conveyance of real estate or the transfer of claims, the name of the president of either board shall be sufficient, by an order of the board, in each case.

Geneva Academy.

SEC. 6. *Be it further enacted*, That the number of trustees to the Geneva Academy, in the town of Carthage, be reduced to five, and that one be added to the number to the female academy in said town.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXIII.

An Act to amend the revenue laws of this State.

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 3rd section of an act passed the 29th day of January 1844, chapter 88, be and the same is hereby repealed.

Bond before giving license.

SEC. 2. *Be it enacted*, That the 15th section of an act passed January 23rd, 1846, entitled an act to tax and regulate tippling and tippling houses and to increase the revenue shall not be so construed as to authorize any clerk of any county court in this State to issue any license to any applicant or applicants until such applicant or applicants shall have first entered into bond and security as directed in said act.

Repeal.

SEC. 3. *Be it enacted*, That so much of the 15th section of the above recited act as directs and requires clerks of the county courts to make semi-annual payments to the treasury, of State revenue received under the provisions of said act be and the same is hereby repealed, and the State revenue shall be accounted for and paid into the treasury as contemplated in the 9th section of said act.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2d, 1846.

CHAPTER CLXIV.

An Act for the benefit of witnesses in certain cases.

Take probate.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several clerks of the circuit courts of this State shall have full power and authority to take probate of all evidences on witness tickets as well in vacation as term time, and the same may be done in all civil cases, and of witnesses summoned at the instance of the defendant in criminal cases at any time between the commencement and the decision of the cause.

Repeal.

SEC. 2. *Be it enacted*, That all laws and parts of laws contrary to this act be and the same are hereby repealed.

Circuit court of Henry co.

SEC. 3. *Be it enacted*, That there shall be holden at the town of Paris in the county of Henry a special term of the circuit court for said county on the third Monday in March next, 1846; which term shall continue until all the business on the docket of said court is disposed of, unless it shall become necessary to adjourn said court sooner to hold some other in said ninth judicial circuit.

Trial of causes changed.

SEC. 4. *Be it enacted*, That all causes both civil and criminal, which would stand regularly for trial at the next regular term of said court, to wit: the term which is to be holden on the third Monday in May next, shall stand for trial at the term herein provided for, and all writs and other process made returnable to said 3rd Monday in May, shall be returned at the term herein provided for, and all recognizances, bail bonds and bail process of every description taken for the appearance of persons to the term which is to commence on the 3rd Monday in May next, shall bind them to appear at the term herein provided for. *Provided*, that should they fail to appear, their bonds, re-

cognizances &c, shall remain in full force and bind them to appear at the day specified in said bonds, recognizances, &c.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, January 31, 1846.

CHAPTER CLXV.

An Act to compensate Donald Cameron for making an Index to the statute laws of 1843-4.

Be it enacted by the General Assembly of the State of Tennessee, That the comptroller of the treasury issue his warrant in favor of Donald Cameron for the sum of seventy-five dollars as a compensation for making an index to the statute laws of the state of Tennessee, passed in the years 1843-4.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2d, 1846.

CHAPTER CLXVI.

An Act to amend the 4th section of an act passed 1777, chapter 4.

Be it enacted by the General Assembly of the State of Tennessee, That the 4th section of an act, 1777, chap. 4, in relation to oath be so amended as to authorize all persons who have conscientious scruples on the subject of taking oaths, to testify on solemn affirmation; and if any person on such solemn affirmation shall testify falsely, wilfully and corruptly, it shall be prejury and punishable as such by the present laws of this State.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2d, 1846.

CHAPTER CLXVII.

An Act to amend the act incorporating the town of Springfield in Robertson county, passed the present session.

Bonds of officers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the bond of the town constable and Treasurer of the corporation of said town of Springfield shall be made payable to the mayor of said corporation and his successors in office, and for any breach or neglect of duty said constable shall be liable on his bond as other constables are by law.

Treasurer.

SEC. 2. *Be it enacted*, That the treasurer of said corporation shall be liable on his bond before any justice of the peace or court having jurisdiction thereof, and that the bonds of said officers be filed with the clerk of the county court for safe keeping.

Repeal.

SEC. 3. *Be it enacted*, That so much of the before recited act as comes in conflict with the provisions of this, be and the same is hereby repealed.

Murfreesboro'

SEC. 4. *Be it enacted*, That the town constable of the corporation of Murfreesboro' shall have the same power to collect all taxes and dues owing to said corporation, that the town constable of Columbia has.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXVIII.

An Act to equalize the labors of the Chancellors of this State.

Middle division
Fourth division

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Chancellor for the Middle Division shall hold the courts at Charlotte and Clarksville and the Chancellor of the fourth Division shall hold the courts at Gallatin and Springfield.

When held.

SEC. 2. *Be it enacted*, That hereafter the chancery court at Charlotte shall be held on the third Mondays in April and October, and the chancery court at Clarksville shall be held on the last Thursday before the fourth Mondays in April and October, and the chancery court at Franklin shall hereafter be holden on the first Mondays in April and October.

Special term.

SEC. 3. *Be it enacted*, That in case it shall happen from sickness or any other cause that either of the Chancellors

of this State shall fail to hold any of the courts in his Division, such Chancellor shall be authorized to appoint a special term for such court which shall be holden with all the powers and authority of a chancery court at a regular term.

Matrimony.

SEC. 4. *Be it enacted*, That the Chancellors of this State be and they are hereby authorized to solemnize the rites of matrimony.

Lost certificate

SEC. 5. *Be it enacted*, That it shall be the duty of the Registers of this State where any plat and certificate may have been lost, and it appearing to the satisfaction of said Register that the said plat and certificate had been transferred, and that fact made to appear from record, it shall be the duty of said Register to issue the grant accordingly.

Nashville fire company.

SEC. 6. *Be it enacted*, That the members of the several organized fire-companies in the city of Nashville, be and they are hereby exempted from serving on juries in the courts of Davidson county.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXIX.

An Act to exempt from execution five hundred bundles of oats, five hundred bundles of fodder, and ten bushels of wheat.

Property exempt.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That in addition to the property now exempted from execution by the laws of this State, there shall be exempted in like manner five hundred bundles of oats, five hundred bundles of fodder, and ten bushels of wheat, also one stack of hay, one man's saddle, one lady's saddle and one bridle, also one ox cart, yoke, ring and steeple and one log chain, if the owner has a yoke of oxen.

SEC. 2. *Be it further enacted*, That three hundred pounds of pork, and ten barrels of corn shall be exempted in addition to what the law now exempts.

Not exempt from State tax.

SEC. 3. *Be it enacted*, That the provisions of this act and the other acts which exempt property from execution, be extended to all persons who are heads of families. *Provided*, Nothing in this act shall be so construed as to exempt any property from the payment of State or county tax. That where a family consists of more than six children, there shall in like manner be exempt from execution one other feather bed and furniture for every additional three

children who constitute members of the family, and one other cow and calf.

SEC. 4. This act shall apply only to executions issued upon judgments founded upon contracts made after the 1st day of February, 1846.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXX.

An Act for the benefit of George Welch.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of this State pay to George Welch, of White county, the sum of twenty-five dollars for his trouble and expenses in prosecuting to conviction, in the circuit court of Jackson county, Baldwin Rowland, for murder in the first degree.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXI.

An Act to authorize the election of an additional Justice of the Peace in Williamsport, Maury county.

Williamsport.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the citizens Maury county, residing in the incorporated town of Williamsport, be and they are hereby authorized to elect an additional justice of the peace, for the convenience and benefit of the citizens thereof, who shall reside in the town of Williamsport, and said justice shall be elected and commissioned as other justices, and shall have the same authority, power and emoluments.

Election of Justice.

SEC. 2. *Be it enacted*, That it shall be the duty of the sheriff of Maury county, to open and hold an election in the town of Williamsport, for the election of a justice of the peace, as provided for in the first section of this act, under

the same rules and regulations that other similar elections are held.

Additional Justice in Granville.

SEC. 3. *Be it enacted*, That the qualified voters in civil district, No. 15, in the county of Jackson, that being a district including an incorporated town, may elect an additional justice of the peace, who shall reside in Granville, and said justice of the peace shall be commissioned as other justices of the peace, and have the same jurisdiction, power, authority and emoluments as other justices of the peace, by law, have.

Election of Justices.

SEC. 4. *Be it enacted*, That the elections provided for in this act, shall be held by the sheriffs of the respective counties herein named on the first Saturday in March next; and such justices, so elected, shall be commissioned as other justices of the peace.

Memphis Hospital.

SEC. 5. *Be it enacted*, That the second section of the act, passed 20th January, 1838, entitled "an act for the benefit of the Memphis Hospital," be and the same is hereby repealed.

Trustees.

SEC. 6. *Be it enacted*, That Joseph S. Watkins, Edwin Hickman, Eugene McGeveney, Robert A. Allen, Levi Prescott, John S. Patrick and Valentine D. Barry, be and they are hereby appointed trustees of the said hospital according to the provisions of the act of 1829, entitled "an act to establish a Hospital in the town of Memphis." And the said trustees, before entering upon the duties of their office, shall enter into bond and good security to the Governor, for the time being, and his successors in office, in the sum of five thousand dollars for the faithful performance of their duty, and correct disbursement of the money appropriated to the said hospital; and who shall, from among themselves, select a president and secretary, and in all matters and things touching the government of said hospital, be regulated by the act of incorporation.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXII.

An Act appointing Commissioners to locate the seat of justice in Grundy county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That A. E. Patton, Solomon P. Goodman, Wm. B. Smart, Noah Bass and John T. Neal, of Bedford county, be and they are hereby appointed commissioners to locate the county seat of Grundy county. *Provided however*, That the seat of justice shall not be located until it is ascertained whether the fraction petitioned to be stricken from Coffee county is annexed to Grundy county or not. And it shall be the duty of said commissioners to locate the seat of justice in Grundy county at the centre of said county, or within two miles thereof, having due regard to locality and water.

Commissioners.

SEC. 2. *Be it enacted*, That it be duty of the county court of Grundy county, to make an allowance, out of any money not otherwise appropriated by law, for their services, as said commissioners, in superintending the locality of the seat of justice in said county.

Appropriation.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXIII.

An Act for the relief of the sureties of James M. Anderson, late sheriff of Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for each surety of James M. Anderson, late sheriff of Hamilton county, to execute his note, with good and sufficient security, to be approved by the clerk of the circuit court of Hamilton county, for such portion of the State tax, due from said sheriff for the years 1842 and 1843, as will be his equal proportion of the amount for which he is bound, dividing the liability amongst the several securities for each year; which notes shall be payable twelve months after given, and bear interest from date, and shall be made payable to said clerk and his successors in office, for the benefit of the State, and shall be collected by said clerk when due, and the proceeds be accounted for by him as other public monies, and when so executed, such security shall be released from further liability on that account. *Provided*, The other se-

James M. Anderson's securities.

curities and principal consent thereto, and that this act shall not release the principal and other securities from their liabilities.

Walter Henderson.

SEC. 2. *Be it enacted*, That Wm. Heiskell, Wm. Henderson and John Wilson, be and they are hereby appointed commissioners to settle and adjust the claims of the State against Walter Henderson, late sheriff of Monroe county, and his sureties in office, for revenue due the State for the years 1842 and 1843; and the said commissioners are hereby invested with full power to settle and adjust said claims, upon such terms as they may consider equitable and most conducive to the interests of the State. *Provided*, Said settlement shall be ratified by the judge of the circuit court and the attorney general.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXIV.

An Act to alter the line of Sevier and Jefferson counties.

Sevier and Jefferson counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line of Sevier and Jefferson counties be so altered as to include, in the latter, the house and tract of land of William Thompson.

Surveyor of Hardin co.

SEC. 2. *Be it enacted*, That the county court of Hardin county, may at the next April or July term of said court, elect a competent surveyor for that part of the county lying west of the Tennessee river, who shall be under the same rules and regulations, and entitled to the same fees as other surveyors are in this State.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXV.

An Act changing the line between the counties of Morgan and Fentress.

Line between Morgan and Fentress.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Morgan and Fentress shall be changed, so as to leave the line as heretofore run at the forks of the Clear fork; thence up the left hand fork to the mouth of Shoal creek; thence up Shoal creek to its head, making the meanders of said creek the line; thence with the dividing ridge between the Clear fork and Cook's creek, keeping on its extreme height to the head of Bise's creek; thence down Bise's creek to Clear creek; thence up Clear creek to the old county line, as heretofore established between said counties.

Militia officers of Claiborne.

SEC. 2. *Be it enacted by the authority aforesaid*, That the field officers of the 17th and 18th regiments of militia, which regiments compose the militia of Claiborne county, be and the said field officers are hereby required to meet at the court house in Tazewell, on the first Monday in July next, for the purpose of making a more equal division of the said regiments without regard to the civil districts.

County court employ surveyors.

SEC. 3. *Be it enacted*, That the county courts of Morgan and Fentress, or either of them, be and they are hereby authorized to employ the county surveyors of said counties, or either of them, or any other competent person or persons to run and mark said line, and make such surveyors such compensation as the said court or courts may think reasonable, payable out of the county treasury.

Court have discretion.

SEC. 4. *Be it enacted*, That nothing in this act contained, shall be so construed as to require said county courts, or either of them, to have said line run and marked, or to make an appropriation for the payment thereof, unless at the discretion of the court, a majority of the justices being present and voting in the affirmative.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXVI.

An Act to incorporate the Nashville Protestant School of Industry for the support and education of destitute girls.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the school for the support and education of destitute girls now in existence and operation in the city of Nashville be and the same is hereby incorporated, under the name of the "Nashville Protestant School of Industry for the support and education of destitute girls," and have perpetual succession—that it have the right to sue and be subjected to suit; make all by-laws necessary for the government of said school, take and hold real estate for the erection of suitable buildings, and take personal property by gift or otherwise, and to do all other acts necessary and within the scope of the benevolent objects of said institution.

Trustees.

SEC. 2. That the school and institute be under the control and direction of twelve trustees, seven of whom shall be authorized to transact the business and control of said school, and in case of vacancy, it may be filled by the board aforesaid. The present board of trustees shall be Mrs. Francis B. Fogg, Mrs. H. M. Rutledge, Mrs. Thos. Maney, Mrs. A. V. Brown, Mrs. G. W. Martin, Mrs. D. McGavock, Mrs. G. W. Campbell, Mrs. James Porter, Mrs. R. H. McEwen, Mrs. Washington Barrow, Mrs. H. Kirkman and Mrs. O. Ewing; who may elect all necessary officers, teachers or servants.

Powers.

SEC. 3. That the destitute girls who are or shall become pupils in said school, shall be under the control and guardianship of said board of trustees, who shall have the custody and care of the persons of said children and exercise all the rights and duties of guardians, and bring suits for wrongs done, and recover the custody of their persons in the name of said school, and said guardianship shall be from the period of time when said pupils shall enter said school.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. L. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXVII.

An Act supplemental to an act entitled an act to charter the Sledsoe Creek Turnpike Company and for other purposes, passed 12th December, 1845.

Subscribers may pay in work.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners of the turnpike road commencing at the end of the turnpike road near the top of Snow's Hill east of Liberty in DeKalb county, passing through Smithville, and terminating at Sparta in White county, may receive from persons subscribing for stock in said road work or labor, the person so subscribing particularly designating the part or portion of the road so intended to be opened and built, which when finished shall constitute stock in said road to the amount of the reasonable value of said work and labor; and upon the completion of said road so far as undertaken, should the president and directors and the subscribers for stock in said road paid for in labor as aforesaid, fail to agree in relation to the value thereof, then three disinterested competent freeholders shall be chosen by the parties, whose award and determination as to the value of said labor shall be conclusive, and shall constitute stock in said road, to the amount so agreed upon by the president and directors, and the parties performing work on said road or by the determination of the three freeholders chosen as aforesaid: *Provided always*, That the person or persons so subscribing for stock to be paid for in labor in building said road, shall execute and finish the same upon the plan and within the time directed and prescribed by the president and directors of said turnpike road, subject to all the forfeitures and regulations attaching to stockholders who subscribe stock in said road to be paid in money.

Further time for subscription

SEC. 2. *Be it enacted*, That should the commissioners in the counties of White and DeKalb have failed to open books for subscription of stock in the road mentioned in the act, to which this is supplemental, at the time and place and in the manner in said act directed, that said commissioners or either of them so failing shall have full power and are hereby directed to open books for subscription for stock in said road as directed in said act, and this act supplemental thereto, on the first Monday of March next, or at any time thereafter within twelve months from and after the passage of this act.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXVIII.

An Act for the relief of former Sheriffs.

Further time to collect.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the further time of twelve months be given to all former and present sheriffs to collect all taxes due and imposed: *Provided*, That nothing herein contained shall be construed to release any sheriff from his liabilities to account for the State and county revenue at the times and in the manner heretofore directed by law.

Sheriff of Bledsoe additional deputy.

SEC. 2. *Be it enacted*, That the sheriff of Bledsoe county be and he is hereby authorized to appoint one additional deputy to the number now allowed by law.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXIX.

An Act to authorize the Governor to issue duplicate bonds to John and William O'Brien.

Whereas, Information has been communicated to this General Assembly, sustained by proof, that John and William O'Brien of the city of New York were the owners of two bonds issued by the State of Tennessee, each for the sum of one thousand dollars, one numbered 1268, the other 1290, payable thirty years after date, bearing five per cent interest, and issued as the said O'Briens prove, to the Columbia, Pulaski, Elkton and Alabama Turnpike Company, and assigned in blank: *And whereas*, it appears that said bonds were destroyed by fire in the city of New York on the 19th of July 1845: *And whereas*, it appears that the interest of said bonds had been paid up to the 1st July 1845: Therefore,

New Bonds.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the Governor of said State, is hereby authorized and required to issue to the said John and William O'Brien duplicate certificates or bonds dated payable and bearing interest as those bonds which have been destroyed, and deliver them to the said O'Briens, or their authorized agent, which new or duplicate bonds shall recite on their face that they are issued in lieu of those described.

Indemnity.

SEC. 2. *Be it enacted*, That before the Secretary of State shall deliver said bonds to the said John and William

O'Brien or their agent, he shall take good and sufficient indemnity against the return of said bonds supposed to be consumed by fire, against the State of Tennessee, and said bonds or mortgage of indemnity shall be deposited in the office of the Secretary of State.

Evidence of loss.

SEC. 3. *Be it enacted*, That the evidences laid before this General Assembly of the loss of the said above described bonds, shall be deposited in the office of the Secretary of State with the said bonds and mortgages of indemnity, for the future security of the State.

When void.

SEC. 4. *Be it enacted*, That the bonds directed to be issued by this act, are issued on the express condition, that those in the place of which they are issued, shall not be brought forward against the State, and in the event they are brought forward, those now directed to be issued, shall be returned to the Governor of the State to be cancelled, and are hereby declared void.

SEC. 5. *Be it enacted*, That this condition shall be inscribed in the place of those bonds ordered to be issued by this act.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXX.

An Act appointing commissioners for the Higginbotham and Rankin's turnpike road.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Henry T. Spung and Riley Nunley, of the county of Grundy, and John Hereford, of the county of Marion, be appointed commissioners on Higginbotham and Rankin's turnpike road, whose duty it shall be to see that said road is kept in the repair as contemplated by the charter of said road, and all acts appointing commissioners on turnpike roads so far as relates to that road, are hereby repealed; that said commissioners shall be allowed one dollar per day for the time necessarily employed on said road, to be paid by the proprietors.

Holston Manufacturing company.

SEC. 2. *Be it enacted*, That an act passed January 20th, 1844, incorporating the Holston Manufacturing company, be so amended, as to authorize James C. Moses and George W. Harris, as commissioners, to open books to receive subscriptions to the Holston Manufacturing company, and the said commissioners are further authorized to open and hold

an election for trustees of said company, whenever fifty shares of the stock of said company shall have been subscribed, and that portion of the act incorporating the Holston Manufacturing company appointing commissioners is hereby repealed.

Commissioners to examine road.

SEC. 3. *Be it enacted*, That the fifth section of the act of 1835, chapter 54, be and the same is hereby repealed; and hereafter each county shall appoint commissioners to examine the turnpike roads in their respective counties, or that portion of any such roads which may be in any county as provided by the first section of the above recited act.

A. L. Davis' road to Caney fork.

SEC. 4. *Be it enacted*, That there is granted to Amon L. Davis and company, a road from the road leading from Sparta to Smithville, by his landing upon the Caney-fork river, intersecting said Sparta and Smithville road upon both sides of the river, and it shall not be lawful for Daniel Smith to place his gate upon said road, so as to charge toll or intercept persons going or returning from said landing; and said Davis and company, are authorized to keep a ferry upon said river to accommodate persons going and returning from said landing.

Lewisburgh t'r'd

SEC. 5. *Be it enacted*, That the charter incorporating the Lewisburgh turnpike company, be so amended as to extend the time one year longer in addition to the time now allowed by law to complete said turnpike, as far as Riggs' cross roads, and the said Lewisburgh turnpike company are hereby authorized to extend said turnpike road to the town of Cornersville, in the county of Giles, under the same rules and restrictions, and under the same liabilities.

Style of road.

SEC. 6. *Be it enacted*, That the commissioners appointed to open and value the building of said road, may order and direct said road to be McAdamized sixteen feet, *provided however*, that they cause to be graded a dirt road twelve feet, running parallel with said turnpike, thereby affording a comfortable road for summer use. *Provided further*, that the Farmington and Fayetteville turnpike company shall be entitled to the same rights and privileges extended to the Lewisburgh turnpike company under this section.

Farmington and Fayetteville road.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXXI.

An Act for the relief of Lemuel P. Hardaway, sheriff of Shelby county.

L. P. Hardaway.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the comptroller of the State of Tennessee, be and he is hereby authorized and required to issue his warrant to the treasurer of the said State, requiring him to pay Lemuel P. Hardaway the sum of four hundred and forty two dollars for his services, and for monies paid out by him in pursuing, arresting and bringing from sister States, felons, who had fled from this State as fugitives from justice.

Joseph Newman.

SEC. 2. *Be it enacted*, That the comptroller of the State of Tennessee, be and he is hereby required to issue his warrant to the treasurer, to pay Joseph Newman, former sheriff of Franklin county, eighty five dollars for extra guard, in bringing Zebadiah Payne from Franklin county to the Supreme Court at Nashville.

John O. Cannon.

SEC. 3. *Be it enacted*, That the comptroller of the treasury issue his warrant to John O. Cannon for one hundred and fifty dollars, as compensation for extra Judicial services performed by him in obedience to the requirements of an act of Assembly, passed 15th January, 1844.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXXII.

An Act to incorporate the Memphis and Charleston Rail Road Company.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing a communication by rail road between Memphis, Tennessee, and Charleston, South Carolina, the formation of a company is hereby authorized, which when formed shall be a body corporate by the name and style of the "Memphis and Charleston Rail Road Company;" and by said corporate name shall be capable in law to buy, receive by gift, hold, sell and convey real and personal estate, as hereinafter provided; make contracts, sue and be sued, to make by-laws, and to do all lawful acts properly incident to a corporation and necessary and proper to the transaction of the business for which it is incorporated; and to have and use a common

seal, and the same to alter and destroy at its pleasure; and shall have perpetual succession of members.

Books open. SEC. 2. Books for subscription of eight hundred thousand dollars, the capital stock of said company, in shares of twenty-five dollars each, shall be opened on the first Monday in March 1846; and shall be kept open for six days between the hours of ten o'clock in the morning and four o'clock in the evening of each of these days, at the following places and by the following commissioners, to wit: at Memphis, by Robert C. Brinkley, Lewis Shanks, Robertson Topp, E. J. Shields, John K. Chester, Edwin Hickman, W. W. Hart, Wyatt Christian, G. Gholson, H. H. Means, P. G. Gaines, Mat. Anderson, Reuben L. Kay, Charles Lofland, Seth Wheatley, Henry G. Smith, M. B. Winchester, Wardlow Howard, George W. Smith, Dr. Dudley Dunn, James F. Leath, John Delafield; at LaGrange by John J. Potts, Thomas B. Firth, John W. Burton, E. W. Harris, C. Michie and Thomas Polk; at Somerville by B. Douglass, Levin H. Coe, Robt. J. Yancey and Lewis P. Williamson; at Bolivar by Pitser Miller, William O. Ferguson, J. J. Williams, Horace Polk, John H. Bills, C. H. Horton, Calvin Jones and C. P. Polk; at Purdy by W. J. Wisdom, James Reed, Alfred Moore, B. B. Adams, P. P. Brenden, W. C. Kendall; at Savanah by James Erwin, L. H. Broyles, David Robinson, E. H. Shelton and A. M. Hardin; at Palmyra (Gibb's landing) by Lewis H. Wells, A. H. Kendall and Isham P. Gibbs. Commissioners.

First instalment. SEC. 3. The said commissioners or a majority of them, at each of the places aforesaid, shall receive subscription for stock in the said rail road company during the time the said books are directed to be kept open, and on each share so subscribed, shall demand and receive the sum of fifty cents.

Commissioners. SEC. 4. As soon as the time for receiving subscriptions as aforesaid shall have expired, the said commissioners shall respectively deposit all the money so received by them in some incorporated bank, redeeming its notes in specie, to the credit of the Memphis and Charleston rail road; and subject to the order of the president of the board of commissioners hereinafter appointed; and shall also forward a correct list of all the subscribers to said stock, with the number of shares each subscriber has taken, to a board of commissioners to be composed of the following persons: Leroy Pope, E. W. M. King, Austin Miller, Walter B. Morris, W. S. Wisdom, Silas Beech, William Armour and John Delafield, who may establish rules to govern their proceedings, choose their own president, and appoint such other officers and agents as they may think proper, and prescribe their duties; and who, or a majority of whom, shall meet at Memphis on the first Monday in May next, as-

certain the whole number of shares taken in said company, and publish the same in some newspaper printed in Memphis on or before the third Monday in May next; and if the sum of four hundred thousand shares have been subscribed, on each of which there shall have been paid the sum of fifty cents, the Memphis and Charleston rail road [company] shall be regarded as formed, and thenceforth and from the day of the closing of the books of subscription as aforesaid, the said subcribers to the stock shall form a body politic and corporate, in deed and in law, by the name and for the purposes aforesaid; and in all things to be represented by the board of commissioners aforesaid, until the election of a board of directors as hereinafter prescribed.

Additional subscriptions.

SEC. 5. If on closing the books aforesaid, the sum of four hundred thousand dollars shall not have been subscribed, then and in that case the said board of commissioners, by themselves or their agents, may receive subscriptions till the said sum be taken; and whenever that sum shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and of which notice shall be given as herein before directed; and may proceed to survey the route for the road, and make an estimate of the cost of its construction; and the said board of commissioners may, by themselves or their agents, at such times and places as they may think proper, and upon such terms as to time and manner of payment as they may deem expedient, receive additional subscriptions until the said sum shall have been subscribed; upon which the company may be formed, and the subscribers shall thenceforth form a body corporate as aforesaid; *Provided*, The same shall be done on or before the first day of January, 1849; and for the residue of the original sum the said corporation, when organized, may in like manner receive additional subscriptions.

Reduction of shares.

SEC. 6. In case more than eight hundred thousand dollars shall have been subscribed on closing the books, when they are first opened, the shares shall be reduced to that number by deducting the surplus shares from the highest subscribers, placing them on equality of number, as far as can be done; and after such reduction, the holders of the remaining shares shall form the company, and be interested therein in proportion to the number of shares which they may then respectively hold.

Return of subscriptions.

SEC. 7. If on closing the books on the first day of January, 1849, said sum shall not have been subscribed, the money paid by each subscriber shall be returned to him by the said board of commissioners, after defraying the expenses of opening the books, and of making a survey and map of the route and estimate of the cost of the road, which the said commissioners are hereby authorized to have made as soon as practicable.

SEC. 8. The affairs of said company shall be managed by a board of directors, to consist of nine, five of whom shall constitute a quorum, and who shall be chosen by the stockholders from their own body; and a president of the company shall be elected by the directors from among their own number, in such manner as the regulations of the corporation shall prescribe. Board of Directors.

SEC. 9. As soon as the said sum shall have been subscribed, it shall be the duty of the commissioners appointed to declare the same, to appoint a time for the stockholders to meet in Memphis, and give notice thereof by publication in some newspaper in Memphis and Somnerville, at which time the said stockholders, in person or by proxy, shall proceed to elect the directors of the company, and to enact all such regulations, rules and by-laws, as may be necessary for the government of the corporation, and the transaction of its business. The persons elected directors at this meeting shall serve for such period, not exceeding one year, as the stockholders may direct, and at this meeting the stockholders shall fix on the day and place or places when the subsequent elections of directors shall be held, and such elections shall thenceforth be annually made; but if the day of annual elections should pass without any election of directors, the corporation shall be thereby dissolved; but it shall be lawful on any other day to hold and make such elections in such manner as may be prescribed by a by-law of the corporation. Meeting of Stockholders.

SEC. 10. The board of directors may fill all vacancies which may occur in it, during the period for which their board shall have been elected, and in the absence of the president may fill his place by electing a president *pro tempore*. Vacancies

SEC. 11. All contracts and agreements authenticated by the president of the board, shall be binding on the company, without seal or such other mode of authentication may be used as the company by their by-laws may adopt. Contracts.

SEC. 12. The board of directors shall not exceed in their contracts the amount of the capital of the corporation and of the funds which the company may have borrowed and placed at the disposal of the board, and in case they should do so, the president and directors who may be present at the meeting at which such contract or contracts, so exceeding the amount aforesaid shall be made, shall be jointly and severally liable for the excess, both to the contractor or contractors and the corporation; *Provided*, That any one may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded on the minutes of the board, and giving notice thereof to the next general meeting of the stockholders. Restrictions.

SEC. 13. After the route of said rail road shall have been

No road to run laterally with this.

accurately surveyed and adopted, and a plat thereof deposited in the office of the Secretary of State, it shall not be lawful for any other rail road to be built, cut or constructed in any way or manner, or by any authority whatsoever, running laterally within twenty miles of the route so adopted, unless by said company or with the consent of the board of directors thereof, for the time being.

Exclusive rights.

Sec. 14. The said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandize and produce over the said rail road by them to be constructed; *Provided*, That the charge of transportation and conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot as articles of measurement, for every hundred miles, and five cents a mile for every passenger; *And provided also*, That the said company may, when they see fit, farm out their rights of transportation on said road, subject to the rates above mentioned.

Instalments.

Sec. 15. The board of directors may call for the payment of twenty four and a half dollars on each share of stock, in sums not exceeding two dollars, in every thirty days: *Provided*, That twenty days notice be given of such, in at least one public newspaper of the State in which any of the stockholders may reside; and a failure to pay, or secure to be paid, according to the rules of the company, any of the instalments so called, as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and all payments thereon; and the same shall invest in and belong to the company, and may be restored to the owner or owners by the board of directors if they deem proper, on the payment of all arrears on such shares and legal interest thereon; or the directors may waive the forfeiture after thirty days default and sue the stockholders for the instalments due, at their discretion.

Transfer.

Sec. 16. The stock of said company may be transferred in such manner and form as may be directed by the by-laws of said corporation.

Increase of Capital.

Sec. 17. The said company may at any time increase its capital to a sum sufficient to complete the said road, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, and on the mortgage of its charter and works; and the manner in which the same shall be done in either case, shall be prescribed by the stockholders at a general meeting; and any State, or any citizen, corporation or company of this or any other State or country, may subscribe for and hold stock in said company, with all the rights and subject to all the liabilities of any other stockholder.

Sec. 18. That board of directors shall once in every year

at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and of-tener if directed by a by-law; and shall have power to call a general meeting of the stockholders, when the board may deem it expedient. Report of Directors.

Sec. 19. No person but a citizen of the United States, and being a *bona fide* stockholder in his own right, which he shall have held at least three months previous to his election, (except at the first election) shall be president or a director of the company; nor shall any stockholder vote in person or by proxy at any general or other election, (except the first) who shall not have held in his own right the share or shares on which he offers to vote, at least three months previous to such election. Eligibility.

Sec. 20. Stockholders may vote in person or by proxy, and in the election of directors and in voting on all questions which come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the owner of one or more shares shall be entitled to one vote for each and every share he, she or they may own as aforesaid. Proxy.

Sec. 21. The said company may purchase, have and hold in fee, or for a term of years, any lands, tenements or hereditaments, which may be necessary for said road or appurtenances thereof, or for the erection of depositories, store houses, houses for the officers, servants or agents of the company; or for work-shops or foundaries to be used for the said company; or for procuring timber, stones or other materials necessary for the construction of the road, or its appurtenances; or for effecting transportation thereon. Property of Company.

Sec. 22. The said company shall have the right, when necessary, to construct the said road or any branch thereof, across or along any public road or water course; *Provided*, That the said road and the navigation of such water course, shall not be thereby obstructed; *And provided further*, That such rail road shall not be located so near any turnpike road as to injure or prejudice the interest of the stockholders in such turnpike road, except upon such terms as may be agreed upon by the President and directors of the same, on behalf of the stockholders. Obstruction of roads, &c.

Sec. 23. The said company may purchase, have and hold any bridge or turnpike road over which it may be necessary to carry the said rail road, and when such purchase is made, to hold the said bridge or turnpike road on the same terms, and with all the rights which belong to the individual, individuals or corporation from which such purchase may be made; *Provided*, That the said company shall not obstruct any public road without constructing another as convenient as may be. Purchase bridge or road.

Sec. 24. When any lands or right of way may be requir-

Right of Way.

ed by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners or a majority of them, to be appointed by the circuit court of the county where some part of the land or right of way is situated, and the said commissioners before they act, shall severally take an oath before some justice of the peace, faithfully and impartially to discharge the duty assigned them. In making the said valuation the commissioners shall take into consideration the loss or damage which may occur to the owner or owners, in consequence of the land being taken, or the right of way surrendered; and also the benefit and advantage he, she or they may receive from the erection or establishment of the said road or works, and shall state particularly the nature and amount of each; and the excess of loss and damage over and above the benefit and advantage, shall form the measure of valuation of the said land or right of way. The proceedings of said commissioners accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain of record. In case either party to the proceedings shall appeal from the valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury who shall be charged therewith, in the same term or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted and the lands or right of way so valued by the commissioners or jury shall vest in the said company in fee simple, so soon as the valuation may be paid or when refused may be tendered. When there may be an appeal as aforesaid, from the valuation of commissioners by either of the parties, the same shall not prevent the works intended to be constructed from proceeding, but where the appeal is by the company requiring the surrender, they shall be at liberty to proceed in their works only on condition of giving to the opposite party a bond with good security to be approved of by the clerk of the court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of said valuation and interest in case the same be sustained; and in case it be reversed for the payment of the valuation thereafter to be made by the jury and confirmed by the court: *Provided*, That when the land cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed during the pendency of any proceeding to assess its value as aforesaid, nor shall any injunction or

supersedeas be awarded by any judge or court, to delay the progress of said work.

Absence of contract.

Sec. 25. In the absence of any contract with the company, in relation to the lands through which the said road may pass, signed by the owner thereof, or by his agent or any claimant or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the said road may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the company by the owner thereof; and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used only for the purposes of the road and no longer, unless the person or persons owning the said land at the time that part of the road which may be on said land was finished, or those claiming under him, her or them, shall apply for an assessment for the value of the said lands as hereinbefore directed, within five years next after that part of said road was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply for such assessment within five years next after the said part was finished, he, she or they shall be forever barred from recovering the said land or having any assessment or compensation therefor; *Provided*, Nothing herein contained shall effect the right of *femes covert* or infants until two years after the removal of their respective disabilities.

Forfeiture for intrusion on road.

Sec. 26. If any person shall intrude upon the said rail road or any part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she or they shall forthwith forfeit to the said company all the vehicles that may be so intruded on said road, and the same may be recovered by suit at law; and the person or persons so intruding may also be indicted for misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

Punishment for damaging road.

Sec. 27. If any person shall wilfully and maliciously destroy, or in any manner hurt, damage or obstruct the said rail road, or any bridge or any vehicle used for, or in the transportation therein, such person or persons so offending shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine of not less than twenty-dollars, and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading or giving in evidence that he was the owner or agent, or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done or caused, at the time the same was caused or done.

Nuisance.

SEC. 28. Every obstruction to the safe and free passage of vehicles on the said road shall be deemed a public nuisance, and may be abated as such by an officer, agent or servant of the company; and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

Rates of storage.

SEC. 29. The said company shall have the right to take at the store houses they may establish or annex to their road, all goods, wares, merchandize and produce intended for transportation; prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they by rules may establish, (which they shall cause to be published) or as may be fixed by agreement with the owner; which may be distinct from the rates of transportation: *Provided*, that the said company shall not charge or receive storage on goods, wares, merchandize or produce, which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

Dividends.

SEC. 30. The profits of the company, or so much thereof as the board of directors may deem advisable, shall when the affairs of the company will permit, be semi-annually divided among the stockholders, in proportion to the stock each may hold.

Banking and insurance.

SEC. 31. The said company is hereby expressly prohibited from carrying on any banking operations; but may effect insurances on lives and property transported on the road.

Obstruction of roads.

SEC. 32. Whenever in the construction of said road it shall be necessary to cross or intersect any established road or way, it shall be the duty of the company to construct said road across such established road or way, so as not to impede the passage or transportation of persons or property along the same, or when it shall be necessary to pass through the land of any individual, it shall be their duty to provide for such individual a proper wagon way or ways across said road, from one part of his land to the other.

Powers.

SEC. 33. The said company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work.

Amendment of charter.

SEC. 34. This charter shall be amendable from time to time by the Legislature, whenever the president and directors shall unanimously petition for amendments, specifying in the petition the nature of such amendments; and when such amendments shall be adopted by the Legislature and submitted to the directory and be accepted and adopted unanimously by the president and directors, they shall be obligatory on the stockholders, and not otherwise.

SEC. 35. The president, directors, clerks, agents, officers and servants of said company shall be exempt from military

duty, except in cases of invasion and insurrection; and shall also be exempt from serving on juries and working on public roads. Exemption of officers.

SEC. 36. The company shall have full power and authority to purchase and own such number of slaves as may be necessary for the construction of the said road, and for keeping the same in repair. Purchase of slaves.

SEC. 37. If by decree or otherwise the said corporation shall be dissolved, the president and directors of said company are created trustees with such powers only as may be necessary to collect the debts due the company, preserve the property, pay the debts and distribute the property and effects of the company to those who may be entitled thereto, under the charter. Dissolution.

SEC. 38. The capital stock of said company shall be forever exempt from taxation, and the road with all its fixtures and appurtenances, including workshops, warehouses and vehicles of transportation, shall be exempt from taxation for the period of twenty years from the completion of the road, and no longer. Exemption from taxation.

SEC. 39. The rail road authorized by this act shall be commenced within three years after the passage of this act, and shall be finished within six years thereafter, otherwise the charter hereby granted shall be void. When to be completed.

SEC. 40. Any individual or individuals, company or body corporate, with the permission of the Legislature of this State, may hereafter construct branches to unite with the said Memphis and Charleston Rail Road; and it shall be the duty of said company, when required, to receive on their road the full loaded freight cars from such branches, and transport the same to their destination, and to return them, without changing the loads thereof or charging for the transportation of the goods, wares, merchandize and produce therein any greater rate of freight than they charge for similar goods, wares, merchandize and produce in their own cars: *Provided*, That the company shall not be compelled to receive such cars on their road, unless they are constructed in the same manner and are of equal strength with their own cars, of which the engineer of the main road shall be the judge: *And provided*, That the company shall not be required to receive any car from such branches without receiving payment for at least twenty miles transportation: *And provided also*, That the said company shall be entitled in all respects to similar and equal privileges on any branches constructed to unite with their road, subject to the same restraints. Branch roads.

SEC. 41. *Be it enacted*, That said rail road shall commence at or near where Union street crosses the LaGrange and Memphis rail road, in the town of Memphis, the place where the depot of said LaGrange and Memphis rail road Route.

is now situated; thence running in an easterly direction to such point on the southern boundary line of the State of Tennessee, or such point on the Tennessee river in said State as the said Memphis and Charleston rail road company, when organized, may determine to be the most favorable route, to form a continuous rail way communication or rail way and water communication from the city of Memphis to the city of Charleston: *Provided*, That the company hereby incorporated shall not locate their road on the track of the Memphis and LaGrange rail road without first procuring the consent of the Memphis and LaGrange rail road company, on such terms as the companies may agree upon: *And provided*, The said Memphis and Charleston rail road company shall first pay or secure to be paid such sum of money for the interest of the State in the track of the Memphis and LaGrange rail road, as may be agreed upon by the board of Internal Improvement, whereupon the said board shall have power and are hereby authorized to convey such interest to the Memphis and Charleston rail road company, which transfer shall be made under the advice of the Attorney General of the State: *Provided*, That nothing herein contained shall be so construed as to fix the point at which said road shall commence or terminate at said city of Memphis: *Provided*, That nothing herein contained shall be so construed as to authorize the company herein incorporated to lay off and construct the road mentioned in this charter, until such company shall have first purchased of the State the interest which she owns in the Memphis and LaGrange rail road company: *And provided further*, That said commissioners, under the sanction of the Attorney General of the State, shall have power to take stock in said company to the amount of the interest of the State, or require the payment to be made in money as they in their discretion may think will best promote the interest of the State.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXXIII.

An Act to amend the several acts now in force for the management and government of the Lunatic Asylum.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor, Secretary of State, Comptroller of the Treasury and Treasurer be and they are hereby appointed commissioners, whose duty it shall be to sell out all the lands, buildings, and all other appurtenances belonging to the said Asylum, after giving three months notice in a newspaper published in the town of Nashville, to the highest bidder on a credit of one, two and three years, taking bond and security from the purchasers, and to retain a lien on the property until the money is paid; and the obligations taken for the sale of said property shall be filed in the office of the Treasurer of the State.

Make title.

SEC. 2. *Be it enacted*, That said commissioners shall execute title to the purchaser as soon as the purchase money is paid.

Erect new Asylum.

SEC. 3. *Be it enacted*, That the Governor and three persons aforesaid, are required with the proceeds of the sale of said Asylum to purchase a tract of land containing not more than four hundred acres in some county in Middle Tennessee, and cause to be erected thereon suitable buildings for another Asylum, and in making such location, regard shall be had to health, water and cheapness of living.

Lunatics not to be turned out

SEC. 4. *Be it enacted*, That before said Lunatic Asylum shall be sold as aforesaid, said Governor, Secretary, Comptroller and Treasurer shall contract for and purchase a suitable tract of land in Middle Tennessee, and prepare the same for the reception of the pauper lunatics of this State now in the said Asylum, and when the same shall have been so purchased and prepared, then the said Lunatic Asylum shall be sold out as provided for in the foregoing sections, or if sold before such a tract is purchased and prepared, possession shall be retained until a suitable place shall be so purchased and prepared, and said Lunatics shall be kept in said Asylum.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXXIV.

An Act to extend the provisions of the act of February 4th, 1842.

Free persons of color.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the provisions of the act passed 4th February, 1842, entitled "an act to amend the laws now in force in relation to free persons of color" be extended to all cases where a free person of color shall have married a slave in another State, and such slave shall have been, or may be removed by his or her owner to this State to settle and remain herein: *Provided*, That such marriage may not have taken place with the view on the part of such free person of color to become an inhabitant of this State. In the case provided for in this act, such free person of color shall be exempted from the penalties of the act of 1831, chap. 102, sec. 1st, by the permission of the county court of the county where he or she may propose to live with his or her wife or husband, being a slave as aforesaid, upon complying with all the provisions of said act of February 4th, 1842, in the mode and manner therein prescribed for the cases to which it relates.

Intermarriage with slaves.

SEC. 2. *Be it enacted*, That when a free man of color has intermarried with a female slave in this State, and the owner of such female slave will give bond and security before the county court for the good behaviour of such free man of color and he shall be of good character, the said free man of color may be permitted to remain in this State so long as he continues of good character. But should he become otherwise, said court may make an order for him to remove in thirty days, and upon his failing to comply with such order he shall forfeit all the benefit of this act.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXXV.

An Act for the benefit of School Commissioners of Jackson and other counties.

Be it enacted by the General Assembly of the State of Tennessee, That the trustees of the counties of Overton, Jackson and White are required to settle with the former school commissioners of the districts in said counties, and if upon such settlement, such commissioners have paid out more money than they have had in their hands and found that the

district school fund is justly indebted to them, such trustee shall refund to them the amount due out of the fund of such district.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXXVI.

An Act to amend the law establishing a county academy in the county of Sevier, and for other purposes.

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the fifth section of an act, passed at the regular session of the General Assembly of this State, 1841, chapter 6, entitled "an act to appoint commissioners to settle the business of the late board of common school commissioners of Sevier county," be and the same is hereby repealed.

Trustees to report on oath.

SEC. 2. *Be it enacted*, That it shall be the duty of the trustees of said institution, or a majority of them, to make a written report, on oath, to the circuit court of said county, at the December term thereof, in each year, plainly showing the situation and condition of said institution, and how the same, and the fund thereto belonging, has been applied and managed, which report shall, by the clerk of said circuit court, be filed in his office; and if it shall appear that said trustees have wasted or misapplied said fund, it shall and may be lawful, and, moreover, shall be the duty of the attorney general in such district to move for a judgment in said court, against said trustees, for the amount so by them wasted; and said trustees shall, when called on, submit to said court all the books, papers and vouchers of every kind appertaining to the management of said institution.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXXVII.

An Act supplemental to the Jackson Monument act.

Be it enacted by the General Assembly of the State of Tennessee, That the names of the officers and private soldiers of the American army, who fell or were wounded on the 8th January, 1815, and 23d December, at the battle of New Orleans, be engraven on the pedestal of the monument to be erected to the memory of General Andrew Jackson, near the city of Memphis, on the Mississippi river; all laws and parts of laws contrary to this act, are hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXXVIII.

An Act to establish a Botanico Medical College in the city of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established in the city of Memphis, State of Tennessee, a Botanico Medical College, for the instruction of young men in the various departments of medical science. Said college shall be under the management, direction and government of a board of trustees composed of the following individuals, viz: of Shelby county, James T. Leath, Samuel Watson, Frederick P. Stanton, Thomas Gray, Wm. Hyer, N. G. Smith, Wm. B. Greenlow, John D. White, Lemuel W. Wren, Joseph Watkins, Dr. M. Gabbet, E. W. M. King, Wm. Waldren, P. G. Gaines, Charles Lofland, J. A. Toon, J. M. Tate, H. Van Pelt and J. H. McMahon; of Fayette county, Miles McCully, Samuel J. Neal, G. Falls, D. K. Fisher, Peter Culp, James S. Wills, Malcom Nelson and John C. Reeves; Hardeman county, Wm. Irions, Stephen Jarmon, K. Staton and Wm. Mask, which said board of trustees, and their successors in office, are hereby incorporated and created a body politic, for the term of one hundred years, by the name and style of the *Botanico Medical College of Memphis*, by which name they shall have succession for one hundred years, sue and be sued, plead and be impleaded, in all courts of law and equity; and shall be capable to take and hold to themselves and their successors in office, for the use of said college, and for no other purpose, property, real, personal or mixed, by deed, gift or otherwise, and the same to hold, sell, exchange,

Trustees.

Incorporation.

convey or otherwise dispose of for the use and benefit of said college; and to have and to use one common seal, and the same to alter and renew at pleasure; and to do all things necessary for the prosperity and well-being of said college, not inconsistent with the laws of this State.

Officers.

Sec. 2. *Be it further enacted*, That it shall and may be lawful for said board of trustees, and their successors in office, eight of whom may constitute a quorum for the transaction of business, to meet at such time as they may think proper, in the city of Memphis, for the purpose of carrying into effect the object and purpose of this act. Said trustees shall elect one of their number to be president of said board, and also appoint a secretary and treasurer. Said board shall meet as often as the interest of said college may require, of which they are hereby constituted the sole judges, and shall have full power to enact such by-laws and regulations as shall by them be deemed necessary to govern and regulate the affairs of said college, not inconsistent with the laws of the United States, or of this State. Said board of trustees, and their successors, are hereby authorized and empowered to supply all vacancies that may, by death or otherwise, occur among themselves; and at any meeting of said board, a quorum not being present, a less number may adjourn to some future time.

Powers.

Faculty.

Sec. 3. *Be it further enacted*, That the faculty of said college shall be elected by said board of trustees as soon after their first meeting and organization as practicable, and all vacancies that may occur in said faculty shall be filled by the board of trustees, with the advice and approbation of the faculty existing at the time of such vacancy, and in such time as to prevent a failure in the regular course of instruction.

Diplomas.

Sec. 4. *Be it further enacted*, That said faculty shall have full power and authority to grant all such medical honors and degrees as are granted by similar institutions of learning in the United States, and in testimony of such honors and degrees, to give suitable diplomas, under the corporate seal, with the signatures of the faculty, together with the signatures of the president and secretary of said board of trustees, which shall entitle their possessors, respectively, to all the privileges and immunities which, either by usage or statute, are allowed to possessors of similar diplomas from other medical schools.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CLXXXIX.

An Act to establish a Male Academy in the county of Decatur, &c.

Incorporation of Decatur Academy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an academy is hereby incorporated in the county of Decatur, to be the academy for said county, and to be known by the name of Decatur academy, and Joel C. Hancock, Thomas Ashcraft, Mark Murphy, John H. Pearcy, Joel Watts, Balam Rains, Robt. McMaury, Green B. Newsom and William Wesson and their successors, be and they are hereby appointed and constituted a body corporate and politic, by the name and style of the trustees of Decatur academy, and by such name may sue and be sued, and acquire property, real and personal, and hold and sell and convey the same, and enjoy all such rights as are usually possessed and exercised by other academies of this State.

Officers.

SEC. 2. *Be it enacted*, That any five of said trustees shall constitute a quorum for the transaction of business, and are authorized to elect a president and all officers necessary for the management of the institution, and may make such rules as they may deem necessary, not inconsistent with the laws of this State.

County court fill vacancies.

SEC. 3. *Be it enacted*, That upon the death or refusal to act, removal or resignation of any member of said board of trustees, the county court of Decatur county, shall appoint some citizen or citizens to fill all such vacancies.

Location at county seat.

SEC. 4. *Be it enacted*, That said academy shall be located at the county seat of the county of Decatur, as established by the law organizing said Decatur county, or as some suitable place in the vicinity of said county seat, at soon as the county of Decatur is duly organized and the county seat established, under the provisions of the act dividing Perry county, and the board of trustees for Decatur county, duly organized under the provisions of this act, upon application it shall be the duty of the comptroller or such other person having the control of the academy fund, to pay over the amount due to Decatur academy.

Perry county Academy.

SEC. 5. *Be it enacted*, That an academy is hereby incorporated in the county of Perry, as organized by this general assembly, to be the academy for said county, to be known by the name of Perry academy, and Joseph Brown, Nepthali Tracy, Robert Patterson, John L. Webb, Claiborne Harris, Jeremiah Wood, John Montgomery, William O. Britt and Jacob McCage, and their successors, be and they are hereby appointed and constituted a body corporate and politic, by the name and style of the trustees of Perry academy, and by such name may sue and be sued, and acquire property, real and personal, and hold and sell and convey

the same, and enjoy all such rights as are usually possessed and exercised by other academies of the State, and the second and third sections of this act shall apply to Perry academy as well as Decatur academy.

SEC. 6. *Be it enacted*, That if Perry county and Decatur county, be established as contemplated by the "act dividing Perry county," the trustees of Perryville academy shall, as soon thereafter as practicable, hold a meeting and make a full and accurate statement of the moneys and notes in their hands, and all claims in favor of or against the academy, and also what is their condition as regards their being good or bad, which statement shall be signed by a quorum of the Perryville academy, and a receipt from a quorum of the academy trustees of Perry and Decatur, shall be entered upon the records of the respective county courts, and are hereby required to make an equal distribution of the same to the trustees of Perry academy, and to the trustees of Decatur academy, when application is made for the same, after the academies are organized according to the provisions of this act; but if said counties of Perry and Decatur be not established as above specified, then this act shall be null and void, as though it never had been passed: *Provided always*, That this act shall be in full force so far as it applies to Crockett county.

SEC. 7. *Be it enacted*, That the taxes levied for county purposes, on property and polls in the territory attached to Perry county from Hickman and Wayne counties, for the year 1846, shall be collected by the sheriffs or revenue collectors of Hickman and Wayne counties, and paid to the trustee of Perry county for the use and benefit of Perry county, and the same duty shall be performed by the sheriff or revenue collector of Henderson county, to collect and pay over to the trustee of Decatur county, the taxes levied for county purposes, on property and polls in the territory attached from Henderson to Decatur county.

Duties of Trustees.

SEC. 8. *Be it enacted*, That it shall be the duty of the trustees of Hickman, Wayne and Henderson counties, to ascertain from the common school commissioners the scholastic population of the respective fractions at the last enumeration, and pay over to the trustees of Perry and Decatur counties their proportion of the school fund apportioned to their respective counties; *Provided*, Said proportion be taken from the school districts or fractions attached to said counties.

Taxes—how to be appropriated.

SEC. 9. *Be it enacted*, That the taxes levied for county purposes, on the property and polls within the limits of Crockett county, for the year 1846, shall not be collected for, nor applied to the use and benefit of the old counties from which the fractions composing Crockett have been stricken off, but the taxes so levied shall be collected and

paid over to the trustee of Crockett county, for the use and benefit of said county, and no other; *Provided however*, said county be organized according to law, otherwise this section shall be null and void.

Trustees duties

Sec. 10. *Be it enacted*, That it shall be the duty of the trustees of the old counties, from which Crockett county has been taken, to ascertain from the commissioners appointed to organize Crockett county, the scholastic population of their respective fractions, composing Crockett county at the last enumeration, and pay over to the trustee of said county its proportion of the amount of the common school fund, apportioned to their respective counties for the year 1840.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CXC.

An Act prohibiting the appointment of executors and administrators as guardians of minors in certain cases.

[*Be it enacted by the General Assembly of the State Tennessee*,] That an act passed 16th December, 1845, entitled "an act requiring testamentary guardians to give bond and security as other guardians, unless ordered otherwise by last will and testament," be and the same is hereby so amended, that all testamentary guardian, or guardians appointed by deed or other writing, except where they are expressly exempt from giving security, shall be required to give security as provided in said act, as well those who have heretofore accepted and entered upon the discharge of the duties of such trust, as those that may hereafter accept and enter upon the same; and if any guardian, so appointed, shall fail to give security as provided in the act which this is intended to amend, it shall be the duty of the county court, upon application, to issue a notice to such guardian, to appear before the next county court and give security; and if such guardian shall fail to do so, the court shall proceed in the case as provided in the above recited act.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CXCI.

An Act for the relief of certain enterers of land in Hawkins county, in what is commonly called Sim's big survey.

Whereas, by an act passed January 7th, 1830, a special entry-taker's office was opened in Hawkins county for the entry of land, lying in said county, in Sim's big survey, of which John Mitchell, of said county, was appointed entry-taker, which said office was, by the provisions of said act, to be closed on the first day July, 1832, and all lands thereafter remaining in said survey not entered, was by said act declared to be subject to the general laws for entering vacant and unappropriated lands north and east of the Congressional Reservation line, and as such subject to entry in the office of the entry-taker of Hawkins county.

And whereas, it is represented to this General Assembly, that after the said first day of July, 1832, certain persons, by mistake, made entries of land within the bounds of said Sim's big survey, in the said special entry-taker's office, which entries should have been made in the office of the entry-taker of Hawkins county; for remedy whereof,

Entries made valid.

Be it enacted by the General Assembly of the State of Tennessee, That all entries of land, lying within the bounds of Sim's big survey, in Hawkins county, made after the first day of July, 1832, in the special entry-taker's office opened in said county, under the provisions of an act, passed January 7th, 1830, and all certificates of survey and grants already issued, or which may hereafter be issued, founded on entries made as aforesaid, shall be legal and valid to all intents and purposes, and shall vest in the enterers aforesaid, and all persons claiming under them, as good and valid a title as if said entries had been made in the office of the entry-taker of Hawkins county.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CXCII.

An Act to authorize Benjamin Parker Hopkins and William Tinker of the county of Cocke to open a turnpike road.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Benjamin Parker Hopkins and William Tinker, of the county of Cocke, are hereby constituted a body politic and corporate, and as such, are au-

thorized to open, establish and keep in repair a turnpike road; Beginning at the south west side of the chesnut mountain, and running in the best and most practicable route to the house of the said Parker; thence to the said Tinker's; thence from there to the North Carolina line, in the direction of Waynesville in said state of North Carolina.

Style of road.

SEC. 2. *Be it enacted*, That said Benjamin Parker Hopkins and William Tinker, shall open, build and make said road equal to a second class road, according to the laws of Tennessee, at all places when the ground over which said road passes, will admit of it, with reasonable exertions.

Commissioners.

SEC. 3. *Be it enacted*, That Jacob W. Shults, Esq., James Baxter, Joseph McMullen and John McNabb, of Cocke county, are hereby appointed commissioners, any three of whom are competent to act, to view said road, and when the said Benjamin Parker Hopkins and William Tinker shall give said commissioners, or any three of them, notice that said road is opened and in good repair, it shall be the duty of said commissioners to attend and view said road, and if they find it opened in the manner prescribed in this act, then the said commissioners, or any three of them, shall and they are hereby authorized and required to issue a license under their hands and seals to the said Benjamin Parker Hopkins and William Tinker, to erect a toll gate at any place they think proper, and it shall be the duty of said commissioners, if they shall find said road not in the repair contemplated by this act, it shall be their duty to open said proprietor's gate, and keep the same open while the same remains out of repair, and until the proprietors shall notify the commissioners that said road is in the repair contemplated by this act, and on receiving such notice, it shall be the duty of said commissioners to examine said road, and should it be found in the repair required by this act, it shall be the duty of said commissioners to shut the gate for receiving toll; and should the said proprietors directly or indirectly receive toll at said gate while the same is directed to be kept open by the commissioners aforesaid, the proprietors shall forfeit and pay the sum of ten dollars, to be recovered by action of debt before any justice of the peace in this State, in the name of the person who may sue for the same. Said commissioners shall have a right to demand and receive from said proprietors the sum of fifty cents each for each day they may necessarily be engaged in viewing said road.

Toll.

SEC. 4. *Be it enacted*, That said proprietors shall be and they are hereby authorized to erect a toll gate on said road, at any point which they may think proper, and shall be entitled to demand and receive the following rates of toll to wit: for each wagon and team fifty cents, for each cart and

driver thirty-seven and a half cents, for each carryall wagon thirty-seven and a half cents, for each man and horse or mule, ten cents, for each led horse or mule five cents; for all loose horses or mules in a drove, two cents each.

Damages.

SEC. 5. *Be it enacted*, That if any part of said road shall be out of repair at any time after it is received by said commissioners, by reason of which any person shall sustain any damages on person or property, said person may have and sustain an action in the case against said proprietors for such damages.

Penalty for avoiding toll.

SEC. 6. *Be it enacted*, That if any person or persons shall pass said gate arbitrarily or within one mile thereof for the purpose of avoiding the toll, such person or persons shall forfeit and pay for such offence to the proprietors of said turnpike road the sum of twenty dollars, to be recovered by action of debt before any justice of the peace in this State.

Failure to keep road in order.

SEC. 7. *Be it enacted*, That said proprietors of said turnpike shall have the said road measured and mile marked, and if they shall fail to keep said road in the repair contemplated by this act, always taking into consideration the nature of the ground over which it passes, they shall be subject to indictment or presentment as overseers of public roads are indictable and punishable in like cases.

Charter.

SEC. 8. *Be it enacted*, That this charter is hereby given and granted to the said Benjamin Parker Hopkins and William Tinker their heirs and assigns, for the term of fifty years.

When to collect toll.

SEC. 9. *Be it enacted*, That whenever the said B. P. Hopkins and William Tinker shall have made said road as a third class road according to the laws of Tennessee, said commissioners shall give said proprietors a license to shut gate and erect, demand and receive the toll mentioned in the fourth section of this act commencing with the words for each man and horse.

When exempt.

SEC. 10. *Be it enacted*, That no person shall be required to pay toll who may be going or returning on the prosecution of neighborhood business or who may be going or returning from mill, muster, blacksmith shop, court or church.

SEC. 11. *Be it enacted*, That the said proprietors shall have the term of two years from and after the passage of this act to open and complete said road.

When road to be finished.

SEC. 12. *Be it enacted*, That any person or persons, citizens of Cocke or Sevier counties may contract with said proprietors to do work and labor on said road or to pay its equivalent, for which such person or persons may pass said gate free of toll for a limited time: *Provided*, The proprietors shall agree thereto, and that the charter of said road shall extend westward to the house of James Baxter Esq. in the county of Cocke.

Joseph Kimbrough's road.

SEC. 13. *Be it enacted*, That the turnpike road leading from the west foot of Cumberland mountain in White county to George Dawson's in Bledsoe county be vested in Joseph Kimbrough, the present owner of said road, and that the said Joseph Kimbrough within seven years to so reduce the elevation of said road, that no part thereof shall exceed six and one half degrees of elevation; and the said Joseph Kimbrough or his successors shall have and enjoy all the rights and privileges secured by this act for the term of fifty years and no longer.

SEC. 14. *Be it enacted*, That the said Joseph Kimbrough be and he is hereby authorized to extend the said road any distance he may wish: *Provided*, Such extension shall not exceed ten miles.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CXCIII.

An Act to incorporate the West brook Academy, in the county of Obion.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James P. Whitbrook, Doct. David Bright, S. W. Cushman, Terrel S. Camp, Samuel D. Henry and Alfred M. Bedford, and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of the West brook Academy, in the county of Obion, and by that name may sue and be sued, plead and be impleaded; shall have and use a common seal; shall have, hold, and acquire real and personal property, so far as it may be necessary for the use of said academy, and shall have, exercise and enjoy all such rights, powers and privileges as are usually possessed and exercised by the trustees of any incorporated academy, and may ask, receive and sue for and recover any monies which may be due said academy by donation or otherwise, and for the same may grant all proper discharges and acquittances, by the signature of the president, with the common seal attached.

Trustees.

SEC. 2. *Be it enacted*, That the persons named in the first section of this act, be and they are hereby appointed and constituted trustees for said academy, with power to elect one of their number president of the board, and to fill all vacancies which may occur by death, resignation or otherwise; that they shall hold their office for the term of two

years; and the county court for the county of Obion, is hereby vested with full power to appoint their successors.

Quorum.

SEC. 3. *Be it further enacted*, That any four of the trustees shall constitute a quorum to transact all business necessary for the welfare of said academy.

Powers.

SEC. 4. *Be it enacted*, That the said board of trustees aforesaid shall have power to erect such buildings as may be necessary for the use of said academy, employ teachers and generally to do all things necessary to advance the interest of said academy, provided that they shall locate said academy at or within four miles of the county seat of Obion county, at such place as they may deem most expedient.

SEC. 5. *Be it enacted*, That said academy for the county of Obion and as such is entitled to all the rights and privileges heretofore given and granted to academies in this State.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CXCIV.

An Act extending the jurisdiction of the circuit courts.

Concurrent with chancery court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act the circuit courts of this State shall have concurrent jurisdiction with the chancery courts in hearing the petitions of trustees appointed by will or otherwise and ordering decrees for the sale of property either personal or real, in the same manner as the chancery courts now have.

Trustees.

SEC. 2. *Be it enacted*, That the circuit and chancery courts shall have power to appoint trustees in all cases where a trustee may die.

SEC. 3. *Be it enacted*, That the same power and jurisdiction which is hereby given in this act to the circuit courts of this State shall be conferred upon the commercial and criminal court of Memphis.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CXCV.

An Act to repeal an act, passed 19th December, 1831, chap. 77.

Be it enacted by the General Assembly of the State of Tennessee, That an act passed the 19th day of December, 1831, chap. 77, be and the same is hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, January 31, 1846.

CHAPTER CXCVI.

An Act to repeal the first section of an act, passed 29th January, 1840.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the foregoing act, as forbids surveyors from surveying any lands, unless said surveyors can certify the same has never has been surveyed, be and the same is hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, February 2, 1846.

CHAPTER CXCVII.

An Act to amend the 8th section of an act passed January 6th, 1840, chapter 120, to carry into operation the Lunatic Hospital, and for other purposes.

Estate of insane persons.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the aforesaid act be so amended that in all cases in which an insane person has been or may be sent to the Lunatic Hospital under the provisions of the 8th section of said act, it shall be the duty of the court to ascertain the sufficiency of the estate of such insane person for defraying the compensation allowed to the sheriff in the 9th section, and in case such estate is ascertained to be insufficient, the court shall order the payment of the sum out of the county treasury, and it is hereby made the duty of the county court to order and cause to be paid out of the county treasury all sums necessary to convey any Lunatic pauper to or from the Asylum.

Incurable patients sent back

SEC. 2. *Be it enacted*, That after a Lunatic or insane person has remained in the Asylum for more than two years, and the Physician and Trustees of the Asylum think said Lunatic or insane person is a confirmed case or past curing, it shall be their duty to cause them to be returned to the county from whence they came; if a pauper patient, they shall notify the county court of the same and it shall be the duty of said county court to send for such pauper, Lunatic or Lunatics, and if it be a pay patient, they shall notify the friends of such patient, and they shall take them away so as to make room for cases of more recent date and the chances better to effect a cure.

SEC. 3. *Be it enacted*, That the physician and trustees are hereby required to send such Lunatics or insane persons as are considered confirmed cases to their respective counties as prescribed in the second section of this act: *Provided*, There is application from such county or district for the admittance of patients of more recent date and there is better chances for a cure.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CXCVIII.

An Act to provide for the cleaning of the public arms at Knoxville

Contract for cleaning.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of the State be directed to appoint an agent at Knoxville, whose duty it shall be to let out to the lowest bidder the cleaning and repairing of the public arms at Knoxville, by giving twenty days public notice at four or more places in said county of the time and place of said letting, and when the said person thus contracting shall have completed his contract, he shall make out his account on oath, which account shall be certified by the said agent to the Comptroller of the Treasury, whose duty it shall be to issue his warrant for the same.

Public arms to be returned

SEC. 2. *Be it enacted*, That when any captain of any volunteer company in this State has removed from this State, and his securities have also removed or become insolvent, leaving any of the public arms, and has failed to return the same to the State, and such arms are now in the possession of any citizen within the State, then and in that case such person is hereby directed to return the same to the keeper of public arms of this State.

Compensation for returning arms.

SEC. 3. *Be it enacted*, That any person having possession of the public arms and not found to return them to the State shall upon returning the same be allowed a reasonable compensation out of the Treasury for his trouble in delivering said arms to the State as directed in the foregoing section.

Keeper of Penitentiary to clean arms.

SEC. 4. *Be it enacted*, That it shall be the duty of the keeper of the Penitentiary to take care of and clean the public arms in the Penitentiary.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CXCIX.

An Act to erect a statue and monument to Genl. Andrew Jackson and Genl. Washington.

Whereas, since the adjournment of the last session of the General Assembly of Tennessee, the life of General Andrew Jackson terminated on the 8th of June, 1845, at the Hermitage. In the death of Andrew Jackson, we recognize the loss of the most illustrious and distinguished citizen of the State. In early youth, the enthusiastic friend of liberty, he consecrated his devotion to the principles of the revolution, by pouring out his blood in their defence. In the second war of Independence, by his skill and courage, his profound sagacity and unparalleled energy, the fairest, richest and noblest portion of the republic was protected, preserved and secured. In peace, all his councils were directed to the advancement of the welfare and prosperity of his country. Whatever difference of opinion may exist as to the measures and policy of his civil administration, while he was at the head of the National Government, the general voice of his countrymen proclaims that he was honest and patriotic; that in his policy as a public man, and in his conduct as a private citizen, he sought to promote the honor and glory of his country, that he sought to perpetuate the liberties for which he had shed his blood and exposed his life, that he sought to extend and spread the blessings of freedom to his fellow-men in every quarter of the globe, that he was the inflexible advocate and defender of the great principles upon which human freedom is based, the preservation of the union of these States; that as the chief executive of the union, he elevated the national character and dignity in his intercourse with foreign nations, claiming all that was our right and submitting to

thing that was wrong. That the age in which he lived as illustrated by the action of his life; the memory of hich will last as long as the history of this union of free ates is preserved among men; that he was a patriot, a ilanthropist, a benefactor to his country; that while in peace in war he was the master spirit of his times, he practced the sacred precepts of the Divine Redeemer of man, nd finally yielded up his soul in the confidence of immorlity and happiness beyond the grave. The high reputaon which attaches to the name of Tennessee throughout e civilized world is identified with the greatness and glory this deceased patriot, sage and hero. In doing honor to e memory of Andrew Jackson, we elevate the character nd standing of our beloved country.

And whereas, the name of George Washington is intiately blended with whatever belongs most essentially to e prosperity, the liberty, the free institutions, and the reown of our country, a name of power to rally a nation in e hour of thick thronging public disasters and calamities; name that shone amid the storms of war; a beacon light to heer and guide the country's friends; it flamed too like a eteor to repel her foes; a name in the days of peace, a adstone attracting to itself a whole people's confidence; a hole people's love, and the world's respect, a name decending with all time, spreading over the earth and uttered all languages belonging to the tribes and races of men; name which will ever be pronounced with affectionate atitude by every one in whose breast these shall arise an spiration for human rights and human liberty.

Statue at Capitol.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That a marble statue shall be erected to Andrew Jackson, and located at the capital of the State of Tennessee.

Contributions by citizens.

SEC. 2. *Be it enacted*, That the citizens of Tennessee are alled upon to unite and raise by voluntary contribution a um sufficient to erect this memorial to the memory of the ero and patriot; and to effect this purpose, the Governor of his State shall appoint proper and responsible commissionrs in the counties of this State, who shall open books and eceive contributions for the purpose of aiding in the conruction of said statues, and the moneys so subscribed and aid, shall be by said commissioners forthwith deposited in ome one of the banks of this State, and shall take duplite receipts of said deposits from the cashier of the bank, ne of which he shall envelope in a sheet of paper addressd to the comptroller of the treasury, and shall put the same n the post office. The cashier of the bank with whom deposs shall be made, shall keep a separate account of the said und so deposited, to be denominated the Jackson Monu-

ment fund, and which shall only be drawn upon the check of the Treasurer.

Quarterly returns.

SEC. 3. *Be it enacted*, That the commissioners for contributions shall make quarterly returns of the amount of the Jackson monument fund contributed and deposited, to the comptroller, commencing upon the first day of March, 1846, and the comptroller shall quarterly publish the amount of the fund so contributed.

Funds deposited in bank.

SEC. 4. *Be it enacted*, That as the fund shall accumulate upon deposit in any of the banks of this state, the comptroller shall make arrangements with said banks to pay 6 per cent interest per annum thereon, and in case of any of said banks refusing to pay said interest, then the comptroller shall issue his warrant to the treasurer, who, by his check, shall withdraw said fund from such bank refusing to pay said interest, and shall forthwith deposite said funds with the bank of Tennessee or branches, which shall pay 6 per cent, per annum interest thereon until withdrawn.

Commissioners report to comptroller.

SEC. 5. *Be it enacted*, That the commissioners for contributions, and cashiers of said banks having any of said fund on deposite, shall on the 1st day of October, in each and every year, report to the comptroller of the treasury the amount of the said Jackson monument fund, and where deposited, and when. The comptroller shall examine, adjust and ascertain the amount of said fund and report its state and condition to the General Assembly.

Commissioners to employ sculptors.

SEC. 6. *Be it enacted*, That Felix Robertson, John M. Bass, Vernon K. Stevenson, Andrew Ewing, John N. Esselman, Francis B. Fogg, Joseph Vaulx and Samuel D. Morgan, be and they are appointed commissioners to contract with some American sculptor or artist, and to direc, and superintend the construction of said statue to Jackson to be located at the capitol of the State of Tennessee. The said commissioners shall form themselves into a board, a majority of whom shall transact business, and shall have the power to receive from time to time the warrant of the comptroller, requiring the treasurer to check on the Jackson monument fund, to be applied towards the erection of said statue, and who shall report to the General Assembly.

Monument on the Mississippi.

SEC. 7. *Be it enacted*, That for the purpose of raising funds to aid in the construction of a suitable monument or statue to General Andrew Jackson, to be erected upon the bank of the Mississippi river, at or near Memphis, the Governor of this State shall appoint proper and responsible commissioners as required in the second section of this act, who shall have the same power, and be required to perform the same duties, as is therein prescribed to said commissioners, and the fund raised by them, and deposited in bank, shall be denominated the Memphis river monument fund, and the same duties prescribed to the comptroller, treasurer,

governor and cashiers of banks, touching the Jackson monument fund, are prescribed to them touching the Mississippi river monument fund, which fund shall by all of said persons be kept separate and apart, and applied to the respective objects prescribed in this act.

Commissioners.

SEC. 8. *Be it enacted*, That Nat. Anderson, W. W. Hart, Robertson Topp, James M. Walker, Joseph W. Watkins, H. Van Pelt, Robert H. Petillo, E. F. Watkins, F. R. Stanton, George W. Smith, Peter Gaines, Charles G. McClain, M. B. Winchester, William Armour, George W. Murphey and J. G. Harris, be and they are hereby appointed commissioners to contract for the construction of said monument or statue to Andrew Jackson, to be located upon the bank of the Mississippi river, at or near Memphis, and superintend the erection of the same, the said commissioners shall form themselves into a board, a majority of whom shall transact business, and shall have the power to receive from time to time the warrant of the comptroller, requiring the treasurer to check upon the Mississippi monument fund so deposited, to be applied towards the erection of said monument or statue, and shall report to the General Assembly.

Separate lists.

SEC. 9. *Be it enacted*, That the commissioners for contributions to the Jackson monument fund, and the commissioners for contributions to the Mississippi monument fund, shall keep separate lists, showing the names, residences and occupations of all persons paying money, with the amount subscribed by each: inducing subscribers, as far as practicable, to write their own names, and shall transmit the original list to the office of the Secretary of State upon the first day of October, in each and every year, which shall be preserved by the secretary in his office.

Powers.

SEC. 10. *Be it enacted*, That the commissioners to superintend the construction of said statue or monument, shall have the power to sue in the name of the president of the board, for the use of the State, upon any contract, obligation or duty, touching said funds or their application, and to enforce the performance of the various duties, or any of them, prescribed by this act, before any jurisdiction having cognizance thereof.

Compensation

SEC. 11. *Be it enacted*, That no one of the commissioners, or officers specified in this act, shall receive any compensation for their services; and all vacancies which may occur, shall be filled by the Governor.

Statute of Washington.

SEC. 12. *Be it enacted*, The Governor of the State shall in like manner appoint commissioners to open books for subscriptions for the erection of a statue of George Washington, the Commander in Chief of the Armies of the United States during the Revolutionary War, and first President

of the United States, to be placed in the capitol of the State when the same shall be completed.

Appropriation.

SEC. 13. *Be it enacted*, That the faith of the State is hereby pledged for the appropriation of the sum of fifteen thousand dollars to the erection of the statues and monument contemplated in this act to the memory of George Washing and Andrew Jackson, to be equally divided between said statues and monument, when a sufficient sum shall be subscribed by the people, in connection therewith, to complete said statues and monument.

Co-operation of ladies.

SEC. 14. *Be it further enacted*, That this General Assembly respectfully invoke the aid and co-operation of the ladies of Tennessee in advancing the several objects contemplated in this act; and they are hereby earnestly solicited to aid in raising the fund, to be applied as aforesaid, by fairs, concerts and such other means as their ingenuity may suggest; and said fund, so raised, to pay over to the commissioners herein appointed to receive the same.

Inscriptions.

SEC. 15. *Be it enacted*, That the names of each officer and soldier slain in the battle of New Orleans, be engraved upon the base of said statue.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CC.

An Act to incorporate the Union Turnpike Company.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers for stock as hereinafter provided, and their successors, are hereby incorporated by the name and style of the Union Turnpike Company, and by that name are constituted a body politic and corporate, with succession for thirty years, and are invested with all necessary corporate powers for constructing, keeping in repair and using a graded turnpike road from Chattanooga to the residence of the late David Oats, in Marion county. Books for the subscription of three hundred shares, of twenty-five dollars each, shall be opened by or under the direction of Reese B. Brabson, John G. Glass and Thomas McCallie, of Hamilton county, and Daniel R. Rawlings, William S. Griffith and Green H. Pryor, of Marion county, on the first Monday of April next, at Chattanooga and Jasper, and be kept open at each place for six days, and if at the end of that time more than three hundred shares shall

Commissioners.

be subscribed, a reduction to that amount shall be made by reducing the largest subscriptions to an equality with the highest under them, which need no reduction to leave the proper amount. And if on closing the books at the end of the six days as much as one hundred shares shall be subscribed, (exclusive of such as may be taken by Samuel B. Mead or his assignee, and by the legal representatives of John Kelly, deceased, under the provisions hereinafter made in their behalf,) a meeting of the stockholders shall be held at Chattanooga, of which the commissioners aforesaid shall give twenty days public notice, and at such meeting the subscribers, or a majority of them being present, shall elect five directors, who shall be stockholders, to manage the affairs of the company, and the directors shall elect one of their own body president, prescribe his duties, and fix his compensation; and the president and directors thus chosen, shall continue in office two years, and until another election shall be made to fill their places, of which election public notice shall be given by the president of the company in some newspaper, and at which time a meeting of the stockholders shall be called. The president and directors may, if they deem it best, open books and receive subscriptions for the remainder of the stock, or an amount sufficient to construct the road; and by themselves or other suitable persons, to be appointed by them, may view and mark out the road the nearest and most practicable route between the points above designated. They may also make contracts for the opening and construction of said road, and may from time to time require such advances on the shares subscribed as the wants of the company may require: *Provided*, That no call shall be made of more than two dollars and fifty cents on each share at any one time, of which twenty days public notice shall be given. A failure to pay any call made as aforesaid, shall operate as a forfeiture of the shares upon which the default takes place; but the directors may, at their election, waive the forfeiture and sue for and recover the call from the defaulting stockholder. Three of the board of directors, including the president, shall constitute a quorum for the transaction of business, and they shall keep a regular record of all their proceedings, which shall be subject to the inspection of any stockholder. All vacancies in the board of directors shall be filled by themselves until a regular election. Each share shall entitle a stockholder to one vote; and stockholders may vote in person or by proxy. The president and directors shall once a year declare dividends on stock, when the condition of the affairs of the company will permit; and shall make to the stockholders a full report of their proceedings, or shall otherwise render an account to them, as may be directed by a by-law of the company.

Contracts.

Forfeiture.

Damages.

SEC. 2. If any person, over whose land said road may run, claims damages for the same, and he and the company cannot agree as to the value of the land over which the road passes, either party may apply to the county court of the county wherein the land is situated, by giving five days notice, to appoint valuers to condemn the land for the use of said road, and the court shall appoint three disinterested freeholders of the county, who shall be sworn justly and impartially to value the same, who shall ascertain what damages such owner or proprietor may sustain, if any, by the road passing through or over said land, always taking into consideration the benefit the said road may be to the owner, and the tendency the road will have to increase the value of the land; and the said freeholders shall report to said court as soon as practicable, which report shall be recorded, and the damages, if any, be paid to the owner; the report shall describe the land so condemned, and shall have the effect to convey it to the company.

Style of road.

SEC. 3. Said road shall be opened at least twenty feet wide where the nature of the ground will permit, clear of stumps, trees and other obstructions, and when necessary shall be causewayed in a safe and substantial manner at least fourteen feet wide, and good and substantial bridges, at least twelve feet wide shall be built over all streams, requiring bridges on said road, except Tennessee river; and it shall in no part have a greater ascent than six degrees except at the Raccoon mountain, over which it shall be laid out and made to the best advantage. Said road shall be made under the bluff at the north end of the Lookout mountain, and that portion lying between Chattanooga creek or Ross's Spring branch, should it cross the creek above the mouth of said branch and the entrance into Lookout valley shall for the whole distance be substantially graveled, McAdamized, causewayed or bridged, and such portions may be made of each kind of work as the directors may determine upon.

Stockholders have preference in building.

SEC. 4. Any person or persons who may become subscribers for stock in said road may be permitted to discharge the whole or any part thereof in work and labor on said road, in building the same upon such terms and in such way as may be agreed upon by such subscriber, and the president and directors: *Provided*, Such stockholder will construct any particular portion of said road on as good terms as any other person, in which case a stockholder shall have a preference over any other person in a contract to construct any portion of said road which he may select.

When to be completed.

SEC. 5. If the company shall not begin the said road and finish that part lying between Chattanooga and Lookout creek in ten months, and shall not complete the whole in eigh-

teen months from the passage of this act, then this charter shall be forfeited, and the county courts of Hamilton and Marion counties shall appoint overseers, and assign hands to work on such portions as lie in their respective counties, as upon other public roads.

Commissioners

SEC. 6. As soon as the company shall complete the road, they may notify Benjamin B. Cannon and Milo Smith, of Hamilton county, and Joseph P. Kelly, of Marion county, who are hereby appointed commissioners to examine the same, and if they find it completed and in order, as required by this act, or a majority of them shall give the company a certificate to that effect, whereupon the company shall have the right to erect two toll gates and exact toll at each: *Provided*, that said company shall not erect any gate nearer to Chattanooga than two and a half miles, and that the two gates shall not be nearer to each other than ten miles: *And provided further*, that the citizens residing in Hamilton county, in Lookout Valley and those residing within two miles of the road in Marion county who will work four days in each year on the same, shall be exempt from paying toll for passing such gates, and a compliance with this condition by such as are liable by law to work on public roads shall entitle the family of such person to pass free of toll. A failure to do the work as herein provided, shall subject the party failing to pay the regular toll, which may be recovered by law as in other cases.

Exempt from toll.

Out of repair.

SEC. 7. If said company should fail to keep said road in repair at any time for the space of twenty days, upon information thereof to any justice of the peace of the county, he shall issue a warrant to some constable, commanding him to summon three freeholders to meet at a certain time and place therein specified, five days notice having been given to the keeper of the nearest toll gate, or the president of the company, and if by said freeholders or any two of them, in presence of the justice of the peace the said road shall be found out of repair as required by this act, the toll hereby granted shall cease to be demanded at the nearest gate until the said defective part of the road shall be put in repair.

Rate of toll.

SEC. 8. The rate of the toll to be taken at each gate, shall be as follows: For each wagon and six horse team, fifty cents; each wagon and four horse team, thirty-five cents; each cart and driver, twenty five cents; each four-wheel pleasure carriage, seventy-five cents; each two-wheel pleasure carriage, forty cents; each carryall or jersey wagon, thirty cents; each man and horse or mule, five cents; loose horse, mule or jack, not in a drove, three cents; each horse, mule or jack, in a drove, two cents; each head of cattle, one cent, and each head of sheep or hogs, one-half cent.

SEC. 9. Should any person refuse to pay the toll hereby

Refuse to pay toll.

granted at the time of offering to pass a gate, or should go around within half a mile of the gate to avoid the same, or should pass forcibly without payment of toll, the toll gatherer may by warrant, before any justice of the peace, recover from the person so refusing, going around or forcibly passing, five dollars for each offence.

Commissioners to value S. B. Mead's road.

SEC. 10. John P. Long, John Haley and Cavender Boydston, are hereby appointed commissioners to examine, and value the work which Samuel B. Mead has done on said road, who at the request of said Mead, or his assignee, may at any time before the first Monday in April next, examine the same, and determine what all the work done by said Mead, on said road, is worth to the company to be formed under this act, including the work done by him on the end of Lookout mountain, and give their certificate, stating the fact of the valuation and the amount awarded; upon which the holder of the certificate shall, when the books are opened, be entitled to subscribe for stock, the amount named in the certificate; and upon surrendering the same to the commissioners, with a receipt of full payment endorsed thereon, shall be entitled to that amount of the capital stock of the company without making any further payment therefor. And in like manner the said commissioners may value the work done by John Kelley, under the bluff of Lookout mountain, in the summer of 1845, and give his legal representative a certificate therefor, which shall entitle the holder thereof, upon subscribing as aforesaid to so much of the capital stock of said company: *Provided*, That no certificate given after the first Monday of April, 1846, as authorized by this section shall be good, nor shall it be receivable in payment for stock after the first day of opening the books to receive subscriptions as herein directed: *And provided further*, That in case said Mead or his assignee has the valuation made, and takes stock as herein authorized, he and his securities shall be exonerated and discharged from the penalty of a bond given by him to open and complete a turnpike road on the same route, under the provisions of the act of 1843–4, chapter 97.

John Kelley's road.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CCI.

An Act to incorporate the town of Macon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Macon in the county of Fayette, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name of the mayor and aldermen of the town of Macon, and shall have perpetual succession, and by their corporate name, may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said town, and may have and use a town seal. Incorporation.

SEC. 2. *Be it enacted*, That the corporation of the town of Macon, shall include the following lands, to wit: beginning 64 poles west of the north east corner of a 640 acre tract, granted in the name of Samuel Dickens, in 11th surveyor's district, range 2, and section 2; thence south 160 poles to a stake; thence west 100 poles to a stake; thence north 160 poles to a stake, in John Granberry's south line; thence east 100 poles with said line to the beginning. Boundaries.

SEC. 3. *Be it enacted*, That the corporation aforesaid, shall have full power and authority to enact such laws and ordinances necessary to preserve the health of the town; to prevent and remove nuisances; to establish patrols; to ascertain and establish, when necessary, the boundaries and locations of streets, lots and alleys; to provide for licensing, regulating and restraining theatrical and other amusements within said town; to restrain and prohibit gaming, to keep in repair the streets; to pass all regulations necessary for the same; to appoint a recorder and constable; to impose and appropriate fines, penalties and forfeitures for a breach of their by-laws; to lay and collect taxes for carrying the necessary measures into operation for the benefit of said town; to regulate and restrain tippling houses; to restrain and punish persons for fighting, breaking the sabbath and shooting within the limits of said town, and to pass such ordinances as may be necessary to preserve the good order of said town; and enact penalties and impose the same, so that they do not violate the constitution and laws of this State. By-Laws.

SEC. 4. *Be it enacted*, That all fines, penalties and forfeitures imposed by the laws and ordinances of said corporation, if not exceeding fifty dollars, shall be recovered before a single justice of the peace, subject to appeals as in other cases, and if exceeding fifty dollars, then to be recovered by action of debt in the circuit court, in the county of Fayette, in the name of the corporation and for the use of the town. Fines, &c.

SEC. 5. *Be it enacted*, That the sheriff of Fayette county,

Election. shall hold an election at the usual place of holding elections for members of the General Assembly in the town of Macon, on the second Saturday in April next, and on the same day in each and every year thereafter, for the purpose of electing five persons to serve as aldermen of the corporation of said town of Macon for one year, commencing on the first Monday in May next thereafter; and all persons residing in said town, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at said election for aldermen; and no person shall be eligible to the appointment of alderman, unless he shall have a freehold in said town, and has been a citizen thereof for six months previous to said election.

Officers. SEC. 6. *Be it enacted*, That the five persons qualified as aforesaid, having the highest number of votes at any election held as aforesaid, shall be taken as duly elected aldermen of said town, and the sheriff of said county of Fayette shall within two days thereafter, notify said aldermen of their election, whose duty it shall be to meet within two weeks at the place of holding elections as aforesaid, and proceed to elect by ballot one of their own number to be mayor of said corporation, as aldermen as aforesaid; and whenever any mayor of said corporation shall die, remove out of said town or resign, another election shall be made by the aldermen aforesaid, of any other person for the time then unexpired; and when any alderman shall die, remove or resign, such vacancy shall be filled by the mayor and aldermen of said town at any regular meeting, and the person or persons by them appointed, shall serve until the next election.

Town of Spencer. SEC. 7. *Be it enacted*, That the town of Spencer, in the county of Van Buren, is hereby incorporated with the same provisions, and under the same rules and regulations, as is provided in the act incorporating the town of Smithville, in the county of DeKalb, passed 4th December, 1843.

Corporate limits. SEC. 8. *Be it further enacted*, That the corporate limits of the town of Spencer, are hereby made the original plan of said town.

Town of Greenville. SEC. 9. *Be it enacted by the General Assembly of the State of Tennessee*, That the inhabitants of the town of Greenville, in the county of Greene, are hereby constituted a body politic and corporate by the name and style of the mayor and aldermen of the corporation of Greenville, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, receive, purchase, hold and sell real, personal and mixed property for the use and benefit of said corporation, and may have and use a corporate seal.

SEC. 10. *Be it enacted*, That the limits and boundaries of said corporation shall be as follows (to wit;) beginning at

the southeast corner of the Graveyard on the Buckingham (ford) road; thence south forty two, west one hundred and four poles to a walnut at the foot of a hill; thence south sixty one, west thirty-seven poles to a white oak; thence north fifty six, west sixty-five poles to a stake on the north side of the Knoxville road; thence with the line of the lots lately sold by Daniel M. Russell, south eighty, west twenty-six poles; thence north seventy-one; west seventeen poles to a stake, corner of McKees lot No. 38; thence with the back lots lately laid off west of Greenville, north twenty-one, east two hundred and ninety-eight poles to a chestnut in Alexander William's line; thence with Williams and Rhea's line eighty four poles to a large poplar tree on the west side of the Babb's Mill road, Sevier's corner; thence on the west edge of said road and by Rhea's fence, seventy-three poles to a large white oak; thence south thirty, east seventy-seven poles to a rock on the edge of the stage road leading to Jonesborough; thence a direct line to the beginning. Boundaries.

SEC. 11. *Be it enacted*, That the mayor and aldermen of the corporation shall have full power and authority to pass such laws and ordinances as may be necessary to preserve the health of the town, to prevent and remove nusisances, to establish night watches and patrols, to ascertain the boundary and location of streets, lanes and alleys, to establish new streets, lanes and alleys with the consent of the proprietors of the lots or houses adjoining such streets, lanes or alleys, to provide for licensing and regulating auctions, to prohibit gaming, to provide for licensing, regulating and restraining theatrical and other amusements, to have and keep the streets in repair, to pass all ordinances and make all regulations necessary for the same; to establish necessary inspections, to erect and regulate markets, to license, provide and regulate a fire company, to provide for the safety of the town against fire by the cleaning out of chimneys, to prevent balloon ascensions, to regulate furnaces, blacksmith shops, lime or brick kilns: *Provided*, such furnaces, shops, or kilns are located within a dangerous distance of any building or other combustible property; to restrain tippling houses, to appoint a recorder and constable, to impose and appropriate fines, forfeitures and penalties for the breach of their by-laws and ordinances, to lay and collect taxes for carrying the foregoing powers into effect: *Provided*, such by-laws and ordinances do not conflict with the laws and constitution of this State. Powers.

SEC. 12. *Be it enacted*, That the by-laws and ordinances of said corporation shall not be binding upon the property of non-residents of said corporation, unless in cases of violation of the by-laws and ordinances previously promulgated; *Provided*, Nothing herein contained shall be so construed as Non-residents.

to prevent the mayor and aldermen of said corporation from laying and collecting a tax or taxes on the property of non-residents, subject to taxation by the laws of the State.

Fines, &c.

SEC. 13. *Be it enacted*, That all fines, forfeitures and penalties imposed or created by the ordinances of the mayor and aldermen, if not exceeding the sum recoverable before a justice of the peace, shall be recoverable before the mayor, who shall issue his warrant for the apprehension of any offender against the by-laws and ordinances, directed to the constable of the corporation, whose duty it shall be to serve such warrant, and upon the return of such warrant, and the conviction of such offender, the mayor shall proceed to give judgment for such penalty or fine and all costs, and issue execution therefor, directed to the constable of the corporation: *Provided*, Such offender shall have property or effects sufficient to satisfy such execution within the limits of the corporation; but should such offender not have goods within the corporation to satisfy such execution, then the mayor may direct such execution to any legal officer for the county of Greene, and such warrant, judgment and execution shall be binding and effective, as if the same had issued from a justice of the peace; and in cases of difficulty, the mayor may require two or more of the aldermen to sit with him on the trial of such cases. All judgments rendered by the mayor shall be subject to appeal to the circuit court, in the same manner, and under the same rules and regulations that judgments rendered by justices of the peace are. But should such forfeiture, penalty or fine exceed the jurisdiction of magistrates, then to be prosecuted in the circuit court, by writ or bill in the name of the mayor and aldermen of the corporation of Greenville, for the use and benefit of said corporation.

Election.

SEC. 14. *Be it enacted*, That the sheriff of Greene county shall proceed to open and hold an election on the first Saturday in March, 1846, at the court house in Greenville, after giving —— days notice at three of the most public places in the corporation, for the purpose of electing seven persons, citizens of the corporation and of lawful age, to serve as aldermen of the corporation of said town, until the first day of January, 1847, and until their successors are duly elected and qualified.

Qualifications.

SEC. 15. *Be it enacted*, That all succeeding elections for aldermen shall be held by the sheriff, after giving ten days notice of such election at three of the most public places in the corporation on the last Saturday in December, in each and every year; and in all elections for aldermen, the seven persons receiving the highest number of votes cast shall serve as aldermen for one year from the first day of January succeeding their election: *Provided*, That any person so elected, shall have the privilege of resigning as alderman:

And provided also, That there shall not be more than one vacancy from resignation at any one time: *And provided further*, That all elections for aldermen shall be by ballot, and conducted under the same laws, rules and regulations as elections for members to the General Assembly.

Qualification of voters.

SEC. 16. *Be it enacted*, That all persons, citizens of the corporation of Greenville, who are, or who shall be hereafter qualified to vote for members of the legislature, shall be qualified to vote at the election for aldermen. And no person shall be eligible to the office of alderman, recorder or constable, who shall not have been a citizen of the said corporation for twelve months previous to said election.

Election of aldermen.

SEC. 17. *Be it enacted*, That the seven persons having the highest number of votes, at any election as aforesaid, shall be considered duly elected aldermen for the term of time herein provided, and the sheriff shall within ten days thereafter, notify the said aldermen of their election, whose duty it shall be to meet at the court house on the Saturday next succeding the day of election, and any number not less than five shall constitute a quorum, and they shall proceed to the transaction of business, and shall before they enter upon the duties of their office, take an oath before some justice of the peace, that they will well and truly perform the duties of aldermen for the time for which they were elected, according to the constitution and laws of the State, and to the best of their abilities, and they shall then proceed by ballot to elect one of their own number to be mayor for the ensuing term for which they were elected aldermen; and in case of the death or removal or resignation of such mayor the board shall proceed to elect another mayor, choosing one of its own number to fill the vacancy, and in every case the person receiving the majority of votes cast shall be duly elected mayor to serve the unexpired time of his predecessor.

Vacancies.

SEC. 18. *Be it enacted*, That when any alderman shall die, remove or resign, such vacancy shall be filled by the board at the first regular meeting thereafter by ballot, the person receiving the highest number of all the votes cast shall be duly elected, and shall be qualified as aforesaid, and serve the unexpired time of his predecessor.

Officers of the board.

SEC. 19. *Be it enacted*, That the mayor and aldermen shall at their first meeting, and after they have been qualified and organized as aforesaid, proceed by ballot to the election of one recorder and one constable to said corporation, who shall be qualified and enter into bond and security for the faithful performance of their respective duties according to the lawful requirements of the board, and the persons thus selected shall be recorder and constable to said corporation for the time for which the said mayor and aldermen may hold their offices; *Provided*, they shall have

the privilege of resigning their respective offices after a satisfactory adjustment of their accounts with the board; and for incompetency in either recorder or constable to properly transact the business pertaining to their respective offices, the board shall have full power to remove them from office and appoint others to fill their vacancy or vacancies as the case may be.

Powers.

SEC. 20. *Be it enacted*, That the aforesaid mayor and aldermen shall have full power to collect all arrearages of taxes, fines, forfeitures, and penalties imposed by the mayor and aldermen of former boards that acted by authority of the act incorporating the inhabitants of the town of Greenville, passed November the 18th, 1817.

Failure of Sheriff to hold election.

SEC. 21. *Be it enacted*, That should the sheriff of said county of Greene fail to give ten days notice to the inhabitants of said corporation for the election of aldermen on the day specified, on account of death, sickness, removal or any other good and sufficient cause, then one of the acting magistrates of the civil district, in which said corporation is located, shall, after giving ten days notice, open and hold an election for aldermen, and perform all other duties pertaining to said election required of the sheriff.

Taxes.

SEC. 22. *Be it enacted*, That property of all persons lying and being in the said corporation, subject to corporation tax, which may be reported by the constable for the non-payment of taxes due therein, shall be proceeded against in the circuit court in the manner prescribed for non-residents of the county as reported by the sheriff, and all taxes imposed by the corporation shall be a lien upon the real property of the person taxed, lying within the corporate limits of said town, and on failure to pay said taxes, and for want of personal property of the person taxed, their real property shall be reported by the constable for the non-payment of such taxes to the circuit court in Greene county, and when the same proceeding shall be had as upon sheriff's reports of lands for the non-payment of taxes.

Incorporation of Celina.

SEC. 23. *Be it enacted*, That the town of Celina in the county of Jackson, and the inhabitants within the limits of said town, are hereby constituted a body politic and corporate, by the name and style of the mayor and aldermen of the town of Celina, and shall have perpetual succession by their corporate name, shall sue and be sued, plead and be impleaded, purchase and hold property, personal, real and mixed, and dispose of the same for the benefit of said town, and may have and use a town seal.

Boundaries.

SEC. 24. *Be it enacted*, That the corporate limits of said town of Celina shall be bounded as follows: Beginning on the bank of Cumberland river at the north west corner of a tract of land owned by William Annett and Thomas L. Bransford; thence with their line to Cumberland street;

thence with said street to where their line crosses said street; thence with his line to Cumberland river to the beginning.

Election of aldermen.

SEC. 25. *Be it enacted*, That the sheriff of Jackson county, by himself or deputy, shall hold an election at the most suitable place to be selected by him in said town, on the second Saturday in April in each and every year, for the purpose of electing seven persons to serve as aldermen for the corporation of said town of Celina, for one year, commencing on the Monday next succeeding the day of election, and all persons owning a freehold in said town, and all persons residing in said town, who would be qualified to vote for members of the General Assembly of this State shall be entitled to vote for aldermen, and no person shall be eligible as an alderman unless he be a citizen of said town.

Mayor.

SEC. 26. *Be it enacted*, That seven persons qualified as aforesaid, having the highest number of votes at any election held as aforesaid, shall be taken to be duly elected, and the sheriff of said county of Jackson or his deputy holding said election, shall give each of the seven persons elected a certificate of his election, and it shall be the duty of the aldermen so elected to meet at the place where the election aforesaid was held on the Monday next succeeding the day of their election, and any number not less than five shall be a quorum, and they shall there proceed to elect by ballot one of their number to be mayor of said corporation for the time for which the aldermen were elected as aforesaid, and when any mayor of said corporation shall die, resign or remove out of said town, another election shall be made by the aldermen in the manner aforesaid of another person for the time then unexpired, and when any alderman shall die, resign or remove out of said town, such vacancy may be filled by the mayor and aldermen of said town at any regular meeting, and the person or persons so appointed shall serve until the next election.

Oath.

SEC. 27. *Be it enacted*, That the mayor and aldermen shall, before entering on the duties of their offices take an oath before some justice of the peace for Jackson county, faithfully and honestly to demean himself and themselves as mayor and aldermen of said town during their continuance in office.

Officers.

SEC. 28. *Be it enacted*, That a constable, recorder and treasurer for said corporation shall be elected by the mayor and aldermen of said town, and shall continue in office for one year, and the corporation may require of them such bond with security for the performance of the duties of their office as may be deemed necessary and proper, and they shall before entering upon the duties of their respective offices take an oath before some justice of the peace for

Jackson county, faithfully and honestly to demean themselves in their offices respectively.

By-Laws. SEC. 29. *Be it enacted*, That the corporation aforesaid shall have full power and authority to enact such laws and ordinances necessary and proper to preserve the health of the town, to prevent and remove nuisances, to establish night watches and patrols, to ascertain when necessary the boundary and location of streets, lanes and alleys, with the consent of the proprietors of the lots and houses adjoining such streets, lanes and alleys, to provide for licensing and regulating auctions, to restrain and prohibit gaming, to provide for licensing, taxing and regulating or restraining theatrical or other public amusements and shows within the town, to keep in repair the streets, and to pass all laws necessary for the same, to restrain tippling houses, to impose and appropriate fines, penalties and forfeitures for the breach of their by-laws and ordinances, to lay and collect taxes for the purpose of carrying all necessary measures into operation for the benefit and advancement of said town, and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this act into effect: *Provided*, They are not incompatible with the constitution and laws of this State.

Non-residents. SEC. 30. *Be it enacted*, That the laws and ordinances of said corporation shall not be obligatory upon persons and property of non residents of said town, being citizens of this State, unless in case of intentional and known violation of by-laws or ordinances previously promulgated by public notice for the space of ten days: *Provided nevertheless*, the property of such non residents shall be taxed as other property of said town.

Fines. SEC. 31. *Be it enacted*, That all fines and penalties and forfeitures imposed by the ordinances and by-laws of said corporation shall be sued for and recovered as other monies are, under the existing laws of this State, by the mayor and aldermen of said corporation for the use of said town.

Taxes. SEC. 32. *Be it enacted*, That when any real estate in said town shall be levied upon for any corporation dues, the same proceedings shall be had thereon as is prescribed by law in other cases of process issued by justices of the peace.

Fees. SEC. 33. *Be it enacted*, That the mayor and constable of said corporation shall have the same fees as are allowed by law to justices of the peace and other constables for similar services, and it shall be the duty of the town constable to execute all warrants and other process issued by the mayor or justice of the peace for breaches of the by-laws of the corporation.

Powers of Mayor. SEC. 34. *Be it enacted*, That the mayor of said corporation in all cases, civil and criminal, arising under the laws of said corporation shall have the same power and author-

ity and jurisdiction that justices of the peace have in similar cases.

Election by Sheriff.

SEC. 35. *Be it enacted*, That if the sheriff shall for any cause fail to hold an election for aldermen of said town at the time specified in this act, he may open and hold an election for aldermen of said corporation at any other time by giving ten days previous notice of the time and place of holding said election.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CCII.

An Act to authorize Moses Winter, Henry H. Wiley, and Elijah Cross, to open a Turnpike Road.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Moses Winter, Henry H. Wiley, of the county of Roane, and Elijah Cross, of the county of Morgan, be and are hereby constituted a corporation for the purpose of cutting and opening a turnpike road, commencing where the road crosses the Indian fork of Poplar creek, at or near Moses Winter's, in Roane county; thence with Scott's turnpike road, about one-fourth mile; thence with Hunter's trace to the top of Cumberland mountain; thence with the head waters of New river; thence the most practicable route, passing Chamber's, on Buffaloe river or creek, to the Kentucky line, at or near James Gibson's, on the Barberville road: *Provided*, The said Moses Winter, Henry H. Wiley and Elijah Cross, shall within five years from the first day of March next, make said road as hereinafter required.

Style of road.

SEC. 2. *Be it enacted*, That it shall be the duty of said company to open said road at least eighteen feet wide, except on hills and mountain sides, which shall be fourteen feet wide, clear of timber, rock and roots, which might impede the progress of wagons; Where the ground over which it passes will permit it to be done, no elevation on said road shall exceed seven and one-half degrees, and to bridge all water courses, provided it is practicable to do so, with good and substantial hand rails on the bridges, and mile mark said road.

Commissioners

SEC. 3. *Be it enacted*, That John Kingston, of Anderson county, and Asa Borum, of Roane county, are hereby appointed commissioners, who shall be governed by the same

rules, and have the same powers that the commissioners have, who are appointed on the Sparta and Crab Orchard turnpike road, and have the same compensation for their services.

Rate of tolls.

SEC. 4. *Be it enacted*, That the company, their heirs and assigns are authorized to erect and keep a gate on said road, and to demand and receive from every person passing said road at the gate, except persons going to meeting, muster and mills, the following tolls, to wit: For each four-wheel carriage and its burthen, if drawn by one horse, mule or oxen, fifty cents; if by two, sixty-two and one-half cents, and by three and not more than four, seventy-five cents; if over four, one dollar; for each two-wheel carriage and its burdens, if drawn by one horse, mule or oxen, thirty-seven and one-half cents, if over that, forty-three and three-fourth cents; for each four-wheel carriage of pleasure, if drawn by two horses, mules or oxen, eighty-seven and one-half cents; if over two, one dollar; for each two-wheel carriage of pleasure, fifty cents; for man and horse, twelve and one-half cents; for each loose horse, not in a drove of not more than three, six and one-fourth cents; if in a drove, not more than three cents.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CCIII.

An Act to incorporate a turnpike company in Campbell and Anderson counties.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joseph Barren and Laban Sharp, of the county of Campbell, and Lewis Miller and James W. Turner, of the county of Anderson, and such other persons as they may choose to associate with them, be and are hereby created a corporation, and are authorized to open, establish and keep in repair a turnpike road equal to a first class road by the laws of this State: Beginning on the Kentucky line in Campbell county, and running by Joseph Barren's and through Big creek gap, in Campbell county, to the road running through Powell's valley from Jacksborough to Cumberland gap; thence across Powell and Clinch rivers to Lay's cross roads in Anderson county: and said company shall have the same powers and privileges

and be subject to the same restrictions and penalties as are contained in an act passed at the present session of the General Assembly authorizing William C. Story to open a turnpike road from Newport, in Cocke county, to Sevierville, in Sevier county.

Commissioners.

SEC. 2. *Be it enacted*, That John Philips, Henderson Murray and William Richardson, be appointed commissioners to view said road, and shall perform the same duties and receive the same compensation as the commissioners appointed under the charter granted to the said William C. Story as aforesaid.

Rates of toll.

SEC. 3. *Be it enacted*, That when the said commissioners shall view said road, and find the part of it between the Kentucky line and its intersection with the road leading through Powell's valley opened in the manner prescribed, they shall authorize said corporation to erect on such part finished one gate, at which said corporation shall be authorized to receive the following rates of toll: For each four or six horse wagon, fifty cents; for each two horse wagon, twenty-five cents; for each cart and driver, fifteen cents; for each man and horse, ten cents; for each pleasure carriage, if drawn by two or more horses, fifty cents, if drawn by one horse, twenty-five cents; for each led horse, five cents; for each horse or mule in a drove, two cents, and for each head of cattle, sheep or hogs, one cent. And when the commissioners shall find the remainder of the road opened in said manner, they shall authorize said corporation to erect another gate on such part, at which they shall be entitled to receive the following rates of tolls: For each four or six horse wagon, thirty-five cents; for each two horse wagon, twenty-five cents; for each cart and driver, twelve and one-half cents; for each pleasure carriage, if drawn by two or more horses, thirty-five cents, if drawn by one horse, twenty-five cents; for each led horse, five cents; for each man and horse, ten cents; for each loose horse or mule, in a drove, two cents; for each head of cattle, sheep or hogs, in a drove one cent.

Exempt from toll.

SEC. 4. *Be it enacted*, That no person shall be required to pay toll at the said gates who may be going or returning on the prosecution of neighborhood business, or who may be going to or returning from mill, muster, court, blacksmith shop or church.

McFall's road.

SEC. 5. *Be it enacted*, That Robert P. Webster, of Maury county, is hereby constituted proprietor of the turnpike road granted to David D. McFall, by an act passed at the last session of the General Assembly, under the same rules, regulations and restrictions, as therein contained: *Provided*, The said Webster shall have one year longer time to finish the same: *Provided further*, He shall extend the road to the top of the hill west of Little Bigby creek, but in making said

extension he shall not be bound to grade said hill to the level required in making the other portion of said road.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CCIV.

An Act to change an appropriation of three thousand dollars from the Little Tennessee to the improvement of the navigation of Tellico river, in Monroe county.

Be it enacted by the General Assembly of the State of Tennessee, That the three thousand dollars appropriated to the removal of the obstructions to the navigation of Little Tennessee river, by the second section of the act of 1827-8, chapter 191, be changed from that river and applied to the improvement of the navigation of Tellico river, in Monroe county, and that William Heiskell, Benjamin Clift, F. M. Johnson, be appointed commissioners to superintend the disbursement of the same, and who shall be authorized to draw upon the Branch Bank of Tennessee, at Athens, for said appropriation, and apply the same as herein directed, under all the restrictions and requirements of the act of 1841-2, chapter 77.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CCV.

An Act to repeal an act, passed November the 8th, 1843, chapter 10.

Be it enacted by the General Assembly of the State Tennessee, That an act, entitled "an act to attach the 14th regiment of Tennessee militia, in the county of DeKalb, to the 9th brigade," be and the same is hereby repealed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CCVI.

An Act to establish the county of Hatchee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be and the same is hereby established to be composed of portions taken from the south west part of (the) counties of McNairy, and the south east part of the county of Hardeman, and to be known and designated by the name of Hatchee county, and shall be bounded as hereinafter provided.

Commissioners.

SEC. 2. *Be it enacted*, That Joseph L. Rasson, Matthew A. Trice and Fielding Hurst of the county of McNairy, and Woodson Vaden, William Simpson, and Albert G. Sullivan of the county of Hardeman shall be and they are hereby appointed commissioners with full power and authority to run out and designate the boundaries of said county by actual survey or otherwise; and if upon finding that their population and territory (are) sufficient to meet the requirements of the constitution without infringing upon the constitutional territory or population of either of the counties from which said county of Hatchee is to be composed, then said commissioners shall have the lines of said county of Hatchee plainly marked, and cause a correct map of the same to be made out and transmitted to the Secretary of State, who shall file the same in his office; and the county of Hatchee is hereby established upon the following conditions.

Duty of commissioners.

SEC. 3. It shall be the duty of said commissioners, as soon as they ascertain that there is territory and population sufficient to constitute a new county under the requirements of the second section of this act, after giving twenty days notice in three or more public places of the time and place in each of the fractions proposed to be stricken off from the counties of McNairy and Hardeman, that they will open and hold an election in each of the fractions proposed to be stricken off from the counties aforesaid, for the purpose of ascertaining whether a majority of the voters residing in those fractions are in favor of or opposed to the establishment of said county of Hatchee, and all persons qualified to vote for members of the General Assembly who have resided in the fractions aforesaid, six months immediately preceding the day of election, shall be entitled to vote, and each voter who desires to vote for the establishment of the new county shall have on his ticket "new county," and those wishing to vote against the new county shall have on their tickets "old county;" and if upon counting the ballots, the judges of the several elections shall return that a majority of each of the fractions have voted for the new county, then the county of Hatchee shall be, and

said county. It shall be lawful, and the commissioners are hereby empowered to open and hold an election in said county, for the purpose of electing county officers, at any time after first giving thirty days notice, which elections shall be held at the same places and under the same rules and regulations provided for in the act establishing the said county of Jones.

Roane and Morgan counties.

SEC. 17. *Be it further enacted*, That from and after the passage of this act, the dividing line between Roane and Morgan counties be so changed, that the dwelling house where Henry King now lives be attached to Roane county.

Lines of Hatchee county.

SEC. 18. *Be it enacted*, That the commissioners of the county of Hatchee, in running the lines of said county, shall not run the same nearer than twelve miles of the court houses in Hardeman and McNairy counties, nor shall said counties of McNairy and Hardeman be reduced below the constitutional limits of six hundred and twenty five square miles each, and nothing in this act contained shall impair the present jurisdiction of the counties of McNairy and Hardeman, over the territory within their respective present limits, until it is ascertained that the county of Hatchee, composing three hundred and fifty square miles, can be obtained from the territory of McNairy and Hardeman counties without reducing them below their constitutional limits.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 31, 1846.

CHAPTER CCVII.

An Act to prevent the taking of illegal possession of common school houses, and for other purposes.

Misdemeanor.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if any person or persons shall hereafter illegally take possession of common school houses, or if any person or persons unlawfully do any injury to any common school house or houses, such person or persons shall be guilty of a misdemeanor, and upon conviction thereof by indictment or presentment, such person or persons shall be punished as persons guilty of misdemeanors at common law.

SEC. 2. *Be it enacted*, That the provisions of this act shall extend to embrace school houses on vacant or occupant lands as well as deeded lands.

SEC. 3. *Be it enacted*, That the town constable for the town of Rome, in the county of Smith, shall reside in the corporate limits of said town, and shall have power to execute all process coming to his hands, in any part of said county of Smith. Constable of Rome.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CCVIII.

An Act to incorporate the town of Clarksville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Clarksville, in the county of Montgomery, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name and style of the Mayor and Aldermen of Clarksville, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, sell, purchase and hold property, real, personal and mixed, and may have and use a corporate seal. Incorporation.

SEC. 2. *Be it enacted*, That the corporation aforesaid shall have full power and authority to enact and pass laws necessary and proper to preserve the health, and comfort of the town; to prevent and remove nuisances; to establish night watches and patrols; to ascertain, when necessary, the boundaries of streets, lots and allies; to restrain and prohibit gaming; to provide for licensing, taxing, regulating and restraining theatrical or other amusements or shows within said town; to pave and keep in repair streets; to pass all laws necessary for the same; to erect and regulate markets; to restrain tippling houses; to prevent slaves hiring their time, owning or having property of any description, or keeping tippling houses within said town; to appoint a recorder, treasurer and town constable; to provide for licensing and regulating fire companies and the sweeping of chimneys; to tax all property and privileges in said town, which may be liable to taxation by the laws of this State; to impose and appropriate fines and forfeitures for the breach of their by-laws and ordinances necessary to carry the intent and meaning of this act into effect: *Provided*, They are not inconsistent with the constitution and laws of this State. By-laws.

SEC. 3. *Be it enacted*, That the said corporation shall have full power and authority to regulate foot pavements and side walks, and if the owner or owners of lots shall fail to com- Powers.

ply with such laws as may be passed for that purpose, the said corporation may contract with some suitable person for the construction of such side walk or foot pavement, and pay for the same, and recover the amount so paid by action of debt or assumpsit for money paid to the use of such owner, by any jurisdiction having cognizance thereof, the same being a lien on the lot of such owner.

May borrow money.

SEC. 4. *Be it enacted*, That it shall and may be lawful for said corporation, whenever it may be deemed necessary for the purpose of improvement of the streets of said town, for erecting any public buildings, of paying any debt which may have been heretofore contracted by the mayor and aldermen of said town, in their corporate or individual capacity, on account of said corporation, for carrying into effect any of its laws and ordinances, to contract for a loan of a sum of money: *Provided*, The sum or sums borrowed shall not altogether exceed, at any one time, the sum of twenty thousand dollars.

Assessment of taxes.

SEC. 5. *Be it enacted*, That the mayor and aldermen of said town, shall annually appoint a commissioner, whose duty it shall be, within thirty days thereafter, to take a list of the taxable property and polls, and the taxable privileges exercised within said corporation, which list shall be returned to said mayor and aldermen, and recorded in the books of said corporation; and the said mayor and aldermen shall then levy and assess the taxes for the current year: *Provided*, Their taxes, for any one year, shall not exceed fifty cents on each hundred dollars of the value thereof.

Collection of taxes.

SEC. 6. *Be it enacted*, That it shall be duty of the recorder, within twenty days after the return of said list, to make out in the books of said corporation in which said list shall have been recorded, the amount of each person's taxes, and to deliver to the constable of said town a transcript copy from said records, signed by the mayor and recorder, which said copy shall be held and deemed a writ of *fieri facias* against the personal effects of the persons who may owe the taxes therein mentioned; and the said constable shall have the same power and authority, under said copy, to collect said taxes, that constables have by existing laws under writs of *fieri facias* issued by justices of the peace.

Real estate liable for taxes.

SEC. 7. *Be it enacted*, That whenever said constable shall not find within said corporation, personal property of value sufficient to satisfy the taxes of any person mentioned in said transcript, he shall return on the said transcript the fact, and it shall then be the duty of the mayor to issue an execution against the real estate of the party, to be found within the corporation, and return the same to the next term of the circuit court for the county of Montgomery, and it shall be the duty of said court to condemn such land to be sold, and award a writ of *venditioni exponas*, directed to the

sheriff of Montgomery county, who shall sell under the same, and make return as under other writs of *venditioni exponas*.

SEC. 8. *Be it enacted*, That equitable as well as legal estates in land may be levied on to enforce the collection of taxes, and the purchaser thereof, under the sale to be made by the sheriff, shall be substituted to all the rights of the former owner.

Fee simple deed

SEC. 9. *Be it enacted*, That the sheriff, after the return of the *venditioni exponas*, shall, upon request of the purchaser, make to him a fee simple deed for the land sold: *Provided*, It shall be subject to redemption as other lands sold under execution.

Lien for taxes

SEC. 10. *Be it enacted*, That the taxes assessed by said corporation on real estate, shall be a lien on the same for eighteen months.

Mayor's powers.

SEC. 11. *Be it enacted*, That the mayor of said corporation shall have concurrent jurisdiction with the justices of the peace for the county of Montgomery of all cases of a criminal nature arising within the limits of said town, subject to and regulated in every respect by the same laws that regulate and direct the proceedings before justices of the peace; and for this purpose shall use the county jail, and may send the town constable into any part of the county; and the mayor shall have authority to take depositions and administer oaths, for which he shall have the same fees that are allowed justices of the peace.

Fines.

SEC. 12. *Be it enacted*, That fines and forfeitures, and penalties for the breach of the by-laws and ordinances of said corporation shall be recovered by warrant before the mayor of said town or any justice of the peace for the county of Montgomery, and the said mayor or justice shall have power to issue such warrant, and award execution, and all the proceedings shall be conducted as in other trials before justices of the peace, giving to the party aggrieved a right to appeal to the circuit court as in other cases.

SEC. 13. *Be it enacted*, That the ordinances of said corporation imposing fines, penalties and forfeitures shall be construed remedially, and the statutes of jeofails and amendments shall apply to all process issued by the mayor or any justice under this act, and the said process may be amended from time to time so as to promote the attainment of justice.

Officers elected by board.

SEC. 14. *Be it enacted*, That the constable, treasurer and recorder for said corporation shall be elected by the mayor and aldermen, and shall continue in office for one year, and the corporation may require of them such bond with security for the performance of the duties of their office as may be deemed necessary and proper.

SEC. 15. *Be it enacted*, That all process issued under this

Process. act by the mayor or a justice of the peace may be directed to the constable or constables of the county, who shall execute the same as other process issued by justices of the peace.

Election of Mayor and Aldermen of Clarksville. SEC. 16. *Be it enacted*, That the sheriff of Montgomery county shall hold an election at the court house in Clarksville on the first Saturday in January in each and every year, for the purpose of electing a mayor and six aldermen, a recorder and town constable for one year, commencing on the first day of February thereafter, and all persons having a freehold in said town; and all persons who shall have resided six months in said town, and who would be qualified to vote for members of the General Assembly, shall if they have paid all taxes, fines and forfeitures by them due and owing to said corporation be qualified to vote; and no person shall be eligible as an alderman and mayor unless he be a citizen and freeholder of said town; the first election for mayor, aldermen, recorder and constable shall take place on the last Saturday of February next and forever afterwards as provided for in this act.

Certificate of election. SEC. 17. *Be it enacted*, That the six persons who shall receive at said election the highest number of votes, shall be taken to be duly elected, and the sheriff of Montgomery county shall within two days thereafter give to each of the aldermen and mayor elected a certificate thereof, and the person who shall receive the highest number of votes for mayor shall be taken to be duly elected mayor of said corporation. Whenever a vacancy shall occur among their own number, by death, resignation or otherwise, or the office of mayor shall become vacant, the aldermen, or mayor and aldermen, as the case may be, shall elect some person to supply the vacancy.

Oath. SEC. 18. *Be it enacted*, That said mayor and aldermen before entering on the duties of their office shall take an oath before some justice of the peace of Montgomery county, to demean themselves in their official capacity faithfully, uprightly and honestly.

Boundaries. SEC. 19. *Be it enacted*, That the corporate limits of said town be as follows: commencing on the line of the south boundary of said town as heretofore established at the Cumberland river, running east with Roberts' line to the corner of Roberts' addition to said town, and from thence Elder's spring so as to include the same; thence north eastwardly to a point in the Nashville road so as to include the residence of H. S. Kimbly; thence north to a point to the old Russelville road, where the turnpike leaves the same; thence to the lower Red river bridge; thence down Red river to its mouth; thence up Cumberland river at low water mark with its meanders, to the beginning.

SEC. 20. *Be it enacted*, That the said corporation shall

not have power to tax any land contained in the foregoing boundaries which is used for farming purposes.

Repeal.

Sec. 21. *Be it enacted*, That all laws heretofore passed inconsistent with this act, be and the same are hereby repealed.

Corporation of Granville.

Sec. 22. *Be it enacted*, That the corporation limits of the town of Granville, in the county of Jackson, be and the same are hereby extended so as to include the house and lots of Lewis M. Holleman, the house and lots of the heirs of John Holleman, deceased, the lots of Mark Holleman, and the houses and lots of John Hughes.

Of Dandridge.

Sec. 23. *Be it enacted*, That the corporate limits of the town of Dandridge, in the county of Jefferson, be extended as follows: South to the opposite side of French Broad river; north to the distance of one-half mile from the court house; west one-half mile from the court house, and east one-half mile from the court house.

Mayor's powers.

Sec. 24. *Be it enacted*, That the mayor of said town of Dandridge, be and he is hereby authorized to issue his warrant to any constable or sheriff of Jefferson county, commanding him to bring any offender against the by-laws of said corporation before the mayor and aldermen of said town, and that said mayor and aldermen have full power and authority to try all such offender or offenders, and to inflict such punishment and penalties as may be imposed by the by-laws of said corporation, not inconsistent with the constitution of the State of Tennessee or of the United States.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CCIX.

An Act authorizing plaintiffs or defendants or their agents and attorneys to fill up blank commissions with the names of commissioners before whom depositions may be taken.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter in all suits at law and equity where the plaintiff or defendant may wish to take the deposition of any person or persons, it shall and may be lawful for either of them, their agent or attorney, to insert in the commission the name of the commissioner before whom such deposition may be taken, and the same shall be deemed as valid as though the name of the commissioner was inserted by the clerk of the court issuing said commission. *Provided*,

that nothing in this act shall be so construed as to authorize the insertion of the name of any commissioner who is not authorized by the laws of this State to administer an oath.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CCX.

An Act to make a more just distribution of the estate of intestates.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter when any person in this State, shall die intestate, leaving a widow and but one child or the descendant or descendants of such child, then and in that case his personal estate after the payment of all just debts shall be equally divided between his widow and child or the descendant or descendants of such child.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CCXI.

An Act for the benefit of Elizabeth Dean.

Be it enacted by the General Assembly of the State of Tennessee, That Elizabeth Dean wife of Archibald Dean, of Jackson county in said state, shall have, possess and enjoy all the rights and privileges of a *feme sole* and that she have power to contract and be contracted with, hold, possess and enjoy property real and personal as fully as if she were unmarried.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CCXII.

An Act directory to the Comptroller of the Treasury.

Be it enacted by the General Assembly of the State of Tennessee, That the comptroller of this State, be and he is hereby instructed and required to issue a warrant to the treasurer authorizing the payment of fifteen dollars to George Baller, and eight dollars and forty-six cents to Jacob Mayes, in consideration of excess of State tax paid by them to the sheriff of Sullivan county.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, February 2, 1846.

CHAPTER CCXIII.

An Act granting a turnpike road to John Lisk, Austin Young and Warren Clark of White county.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Austin Young, John Lisk and Warren Clark of the county of White, be and they are hereby constituted a corporation for the purpose of constructing a turnpike road from Sandy Center's in the county of Roane, crossing Emery river where it passes through Waldon's ridge to intersect the turnpike road leading from Sparta to the Crab Orchard at some point between Charles Lowry's on said road and the Crab Orchard. Incorporation.

Sec. 2. *Be it enacted*, That the said Austin Young, John Lisk and Warren Clark, be and they are hereby authorized to erect all such bridges and causeways and make such turnpike road. Erect bridge

Sec. 3. *Be it enacted*, That after the completion of said proposed road in a substantial and proper manner, to be viewed and approved by the commissioners hereafter named, the said Austin Young, John Lisk and Warren Clark, shall, may and are hereby authorized to receive from all passengers the same rate of toll, as is authorized by an act to authorize the proprietors of the turnpike road from Sparta to the Crab Orchard to charge. Tolls.

Sec. 4. *Be it enacted*, That if at any time the said Austin Young, John Lisk and Warren Clark shall suffer any part of said road to be and remain out of order for the space of ten days, then and in that case, upon application of any person or persons to the commissioners hereafter named, Road out of order.

and if upon examination of said commissioners, said road shall be found out of order, they shall direct the opening of the gate, and no pikeage shall be again taken until said road shall be so improved and approved by the commissioners thus appointed.

Penalties.

SEC. 5. *Be it enacted*, That if said proprietors shall at any time demand and receive any higher or greater toll than is allowed by law to the proprietors of the turnpike road from Sparta to the Crab Orchard, subject to the like fines and penalties as are the proprietors of the road from Sparta to the Crab Orchard subject to.

Commissioners.

SEC. 6. *Be it enacted*, That Thornton Kindeed and David Alley of the county of Morgan and Samuel V. Carrick, of the county of White, are hereby appointed commissioners, who shall be governed by the same rules and have the same powers, and receive the same compensation for their services, that the commissioners have who are appointed on the Sparta and crab orchard turnpike road.

Sole privileges.

SEC. 7. *Be it enacted*, That said Austin Young, John Lisk and Warren Clark, shall and may enjoy the sole privilege of such turnpike road for and during the space of thirty years from its completion, provided they commence and complete the said road within five years from the first day of March next, the same being regularly marked and measured.

Bank at Rodgersville.

SEC. 8. *Be it enacted*, That the branch of the Bank of Tennessee at Rodgersville is hereby authorized and required to pay to the contractors for building bridge across Coal, Bull run and Poplar creeks the amount due to them, or either of them, to be ascertained and certified as required by law as soon as all, or any one of said bridges are completed, whether the work contracted to be done on Clinch river be finished or not: *Provided*, That the sum hereby appropriated shall be taken from the money heretofore appropriated to Clinch river.

Clinch river.

SEC. 9. *Be it enacted*, That the commissioners for the improvement of the Clinch river be allowed the same pay per diem for their services as other river commissioners receive in this State.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CCXIV.

An Act to amend the act of 1784, chapter 22, section 6.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, if any person shall make his last will and testament, and therein make a provision for his wife, and it shall afterwards appear that the whole of the personal property of the testator, including the bequest so made by him for his wife shall be taken to pay the debts of the testator, it shall and may be lawful for the wife to take dower in the lands of her said husband in the same manner as though her said husband had died intestate.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CCXV.

An Act to protect the improvements heretofore made in navigable streams in this State and for other purposes.

Punishment for injuring dam, wall, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any person who may wantonly and maliciously injure any dam, wall, or other work made under the authority of law in this State, designed to improve the navigation of any water course, or who shall in any manner obstruct any channel made or improved for the purpose of facilitating navigation, or shall obstruct any stream declared navigable by the laws of this State, shall be deemed guilty of a misdemeanor, and on presentment or indictment and conviction, shall be punished as in other cases of misdemeanors.

Supervisor.

SEC. 2. *Be it enacted*, That the several county courts in this State shall have power to appoint a supervisor, who shall visit the improvements made on the navigable streams in their respective counties at least once in each and every year, and make diligent inquiry into all offences committed against this act, and institute proceedings against such offenders.

Compensation.

SEC. 3. *Be it enacted*, That the county court appointing such supervisor shall allow him a reasonable compensation for his services, shall be paid out of any means in the county treasury not otherwise appropriated.

Injury to public buildings.

SEC. 4. *Be it enacted*, That if any person shall wilfully do or commit any injury to any public buildings belonging to the State, or any of the counties, such person shall be guilty of a misdemeanor, and upon conviction by an indictment or presentment shall be punished as persons guilty of misdemeanors at common law.

Milk sickness.

SEC. 5. *Be it enacted by the General Assembly of the State of Tennessee*, That the overseers appointed by the county court for the purpose of keeping up and in good repair fences, enclosing sections of the county, containing the poison which produces milk sickness shall be guilty of a misdemeanor, for failing to perform the duties prescribed them by law, and subject to indictment or presentment without a prosecution being marked upon the back of the indictment, and it shall be the duty of the constable of the district embracing in whole or in part, the county enclosed for the purpose aforesaid to examine from time to time, the state and condition of said fences making said enclosures, and report at each term of the circuit courts of his county, the overseer or overseers who shall fail to perform his or their duty in keeping up said fences, and keeping them in good repair, upon whose information the grand jury may find an indictment against said overseer or overseers.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CCXVI.

An Act for the relief of stayors, and for other purposes.

Co-stayors.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That joint or co-stayors shall have the same remedies by motion against each other, and before the same tribunals that joint or co-securities now have, by law, against each other: *Provided*, That in taxing the cost of the motion, no State tax shall be charged in the bill of costs of said motion: *And provided*, That no stay be allowed on any judgments rendered by motion under this act.

Insolvency of stayor.

SEC. 2. *Be it enacted*, That in all cases, where an execution is stayed on a judgment rendered by a justice of the peace, and the plaintiff deems his debt in danger of being lost on account of the insolvency, removal or insufficiency of the stayer, he may make oath of that fact before the justice having possession of the papers in the cause, and upon

giving the defendant two days written notice, that he requires other or additional security, he may, on a failure to give such security, or to justify the former security to the satisfaction of the justice, have his execution forthwith, which it shall be the duty of the justice to issue notwithstanding the former stay.

Life insurance.

SEC. 3. *Be it enacted*, That from and after the passage of this act, whenever any married woman may cause a life insurance to be effected upon her husband's life, the said insurance shall in no case be subject to execution or attachment for the debts of said husband, but the same shall enure to the benefit of the widow and heirs of said husband, any law to the contrary notwithstanding: *And further*, That any husband may effect a life insurance on his own life, and the same shall in all cases enure to the benefit of his widow and heirs in the present rates of distribution, without being in any manner subject to the debts of said husband, whether by attachment, execution or otherwise.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.
Passed February 2, 1849.

CHAPTER CCXVII.

An Act to collect and preserve the evidences of debt to the Common School Fund of this State, and to settle the same.

Comptroller's duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Comptroller of the treasury to examine, file and preserve all the books, papers and evidences of debt to the common school fund or to the State, which were taken, kept or held by the late Bank of the State, or any of the officers or agents thereof, and to collect and settle all such outstanding claims as he may find in said books and papers, by suit or otherwise, as he may think the public interest requires; and the said Comptroller shall demand and receive from the Secretary of State, or any other person, so many of said books and papers as may be in his or their possession, and report to the next General Assembly the result of his labor herein.

Procure shelves or desks.

SEC. 2. *Be it enacted*, That the expense necessarily incurred in procuring shelves or other places for the safe keeping of the books and papers, shall be paid out of the first monies collected by virtue of the duties herein pointed

out; and the Comptroller is hereby directed to procure said shelves or desks for the purpose aforesaid.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

CHAPTER CCXVIII.

An Act to defray the expenses of the present session of the General Assembly with the report of the committee on Finance annexed.

Comptroller to issue warrants, &c.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue to each member of the Senate and House of Representatives a warrant for the sum stated to be due to each in the annexed Report of the Committee on Finance.

SEC. 2. *Be it enacted*, That the comptroller issue to the officers of the Senate and House of Representatives, warrants for the following sums due them for services rendered.

To M. J. Bunch, seven hundred and twenty dollars, for one hundred and twenty days service as principal clerk of the House of Representatives.

To E. S. Charlton, seven hundred and twenty dollars, for one hundred and twenty days service as first assistant clerk in the House of Representatives.

To W. N. Porter, seven hundred and twenty dollars, for one hundred and twenty days service as second assistant clerk in the House of Representatives.

To D. J. Carr, four hundred and eighty dollars, for one hundred and twenty days service as principal door-keeper of the House of Representatives.

To P. M. Hornbeak, four hundred and eighty dollars, for one hundred and twenty days service as assistant door-keeper of the House of Representatives.

To G. W. Rice, seven hundred and two dollars, for one hundred and seventeen days service as principal clerk of the Senate.

To William H. Warner, seven hundred and two dollars, for one hundred and seventeen days service, as assistant clerk of the Senate.

To D. W. Maury, one hundred and sixty-two dollars, for twenty-seven days service as second assistant clerk to the Senate.

To Jonas Seaman, four hundred and sixty-eight dollars,

for one hundred and seventeen days service as door-keeper to the Senate.

To Thomas J. Hale, seventeen dollars, for four days service as door-keeper to the Senate during its organization.

To Martin Van Buren Hale, one hundred and twenty dollars, for one hundred and twenty days service as messenger to the Senate.

Sec. 3. *Be it enacted*, That the comptroller audit the account of J. Green, for wood furnished to the General Assembly, and pay him at the rate of three dollars per cord, as per contract with the Secretary of State.

Sec. 4. *Be it enacted*, That the comptroller issue to F. Fleming, his warrant for eighty-eight dollars fifty cents, for eighty-eight and a half yards of carpeting for Senate chamber. And to M. L. Mattes, his warrant for thirty dollars, for making carpet, fitting up and repairing furniture in Senate Chamber.

Sec. 5. *Be it enacted*, That the comptroller issue to Eichbaum & Smith, his warrant for three hundred and forty dollars and fifteen cents, for stationery and candles furnished for the use of the Senate.

Sec. 6. *Be it enacted*, That the comptroller issue to F. Fleming, his warrant for ninety-six dollars and twenty-two cents, for two hundred yards carpeting in the hall of the House of Representatives; and to M. L. Mattes, his warrant for forty-five dollars, for making carpet, recovering tables, putting locks on tables, and fitting up hall of the House of Representatives; and to James Nichol, his warrant for thirty-one dollars and seventy-five cents, for baize for covering tables in the hall of the House of Representatives, and to Thomas Wells, his warrant for ten dollars and fourteen cents, for glass for windows of the hall of the House of Representatives, to J. Kirkman, his warrant for ten dollars and twenty-five cents, for locks for tables in the halls of the Senate and House of Representatives.

Sec. 7. *Be it enacted*, That the comptroller issue to William T. Berry, his warrant for eight hundred and eighty five dollars and eighty-six cents, for stationery and candles for the House Representatives.

Sec. 8. *Be it enacted*, That the comptroller issue to Fleming Higgins his warrant for one hundred dollars for boy Billy in keeping fires and furnishing water to the House of Representatives, and V. K. Stevenson his warrant for fifty dollars for his boy Ned to keep fire and furnishing water to the Senate.

Sec. 9. *Be it enacted*, That the clerks of the Senate and House of Representatives shall remain a sufficient time after the adjournment to properly file the papers of the two Houses in the Secretary of State's office, and to close their business before they shall be allowed their compensation.

Sec. of State distribute Acts and Journals.

Sec. 10. *Be it enacted*, That the Secretary of State cause the acts and journals of the present General Assembly to be distributed, and that in doing so he make the best contract for the interest of the State, and that the comptroller issue his warrant upon the certificate of the Secretary of State for the sum or sums required for said services.

Sec. 11. *Be it enacted*, That the comptroller issue to J. Barnard his warrant for the sum of eighty-two dollars for binding fifty journals of the Senate and fifty journals of the House of Representatives for the session of 1842-3 at seventy five cents each, and for binding two volumes of the manuscript report of the Bank commissioners at seven dollars.

Sec. 12. *Be it enacted*, That the Secretary of State have bound one copy of the journals of each house for each member of the Senate and House of Representatives, and also one hundred copies for Secretary of State's office; and that the comptroller issue his warrant for the cost of binding the same.

Sec. 13. *Be it enacted*, That the Comptroller issue to John S. Young Secretary of State, his warrant for fifty dollars for fitting up the halls of the Senate and House of Representatives and other duties performed in pursuance of the act of 1842, chapter 189.

Sec. 14. *Be it enacted*, That the comptroller of the treasury, issue to B. R. McKennie, proprietor of the Whig, a newspaper published in Nashville, his warrant for five dollars, for printing and packing one hundred newspapers containing the revenue laws of the State for each clerk in the State.

Sec. 15. To M. L. Mateer, fifteen dollars for making water closet for the use of the members.

Sec. 16. *Be it enacted*, That the comptroller issue his warrant to John Cocke Jr., for twenty four dollars for four days service as clerk to the Senate, during the present session of the General Assembly, before the election of clerks, and for preparing 170 pages of Senate journal, session 1843-4, and for comparing 300 pages printed copy of the same and making said errata, amounting to forty six dollars, in all seventy dollars, and that he also issue his warrant to Jacob A. Lane for twenty four dollars for four days service as clerk to the Senate, for the same time and under the same circumstances that John Cocke Jr. served as clerk.

Sec. 17. And that he issue his warrant to Maney & McClure, for ten dollars for repairing stove pipe in the House of Representatives and in the Senate, and for two stove plans for the House of Representatives.

Sec. 18. *Be it enacted*, That the comptroller issue to W. P. McLean and C. W. Nance each, his warrant for $200, for services as commissioner on the part of the State of

Tennessee, in running the line between Tennessee and Kentucky, and his warrant to them jointly for one hundred and fifty eight dollars seventy cents, the amount of expenses incurred by them as such commissioners.

SEC. 19. *Be it enacted*, That the comptroller issue his warrant to S. D. Mitchell for the sum of fifty seven dollars ninety cents, for copying and comparing 193 pages of the journal of the House of Representatives of the session of 1843-4.

SEC. 20. *Be it enacted*, That the comptroller issue his warrant to J. W. Freemen & Co., for ten dollars for trimming 3 windows in Senate chamber.

SEC. 21. *Be it enacted*, That the salary of the comptroller of the treasury be considered as fixed at $2,000 per annum until otherwise provided by law.

SEC. 22. *Be it enacted*, That the comptroller of the treasury examine the accounts of J. G. Shepard, W. F. Bang & Co., B. R. McKennie & Co. and I. G. Brasfield, for job printing executed for the General Assembly and pay the same according to the rates specified by law, out of any money in the treasury not otherwise appropriated.

SEC. 23. *Be it enacted*, That the principal clerk of the Senate be allowed six dollars per day for the time it may be necessary after the end of the session to finish copying the Senate's journal and that the comptroller issue his warrant on the certificate of the Secretary of State for the same.

SEC. 24. *Be it enacted*, That receipts for payments made by the treasurer to members and officers of this General Assembly under Senate's resolution No. 63, shall be taken and received from him as good vouchers in his settlements with the comptroller of the treasury.

SEC. 25. *Be it enacted*, That the sum of one dollar be paid to Jacob Seaman for work done by order of the Senate.

SEC. 26. *Be it enacted*, That the sum of twenty-two dollars be paid to V. K. Stevenson for hauling one hundred and eighty barrels of water for the use of the Senate and House of Representatives and for washing towels.

SEC. 27. *Be it enacted*, That the comptroller issue his warrant to P. M. Hornbeak for thirty eighty dollars for writing done by order of the Speaker of the House.

SEC. 28. *Be it enacted*, That the comptroller of the treasury issue his warrant to Mrs. America S. McFarland for eighty eight dollars, the amount of her deceased husband's per diem for twenty two days up to his death, and that Benj. F. Lamb, be appointed to receive said amount for her and receipt for the same.

REPORT of the Finance Committee, showing the mileage and per diem allowance of the members of the Senate and House of Representatives at the regular session of the 26th General Assembly, and the aggregate amount received by each.

SENATORS.

Senators Names.	No. of days.	Per diem allowance.	Miles travelled.	Amount of mileage.	Total Amount.
H. Bradberry	120	$4	250	$10 00	$520 00
Philip Critz	"	"	571	21 36	571 36
William Cullom	"	"	100	16 00	496 00
J. D. Fletcher	"	"	164	26 24	506 24
John A. Gardner	"	"	284	45 44	525 44
J. W. Harris	"	"	394	63 04	543 04
John F. Henry	"	"	385	61 76	541 76
J. T. Lenoir	"	"	360	57 60	537 60
Alfred Martin	"	"	615	98 40	578 40
A. P. Maury	"	"	40	6 40	486 40
Thomas C. McCampbell	"	"	400	64 00	544 00
A. G. McDougal	"	"	185	29 60	509 60
John Muirhead	"	"	60	9 60	489 60
Isaac Robinson	"	"	216	34 56	514 56
Valentine Sevier	"	"	220	35 20	515 20
Jonas E. Thomas	"	"	100	16 00	496 00
Montgomery Thornburg	"	"	448	71 68	551 68
Granville C. Torbitt	"	"	320	51 20	531 20
John Trimble	"	"			480 00
Samuel Turney	"	"	180	28 80	508 80
John D. Tyler	"	"	82	13 92	493 92
Jacob Voorhies	"	"	76	12 16	492 16
Richard Warner	"	"	88	14 08	494 08
J. M. Williamson	"	"	362	57 92	547 92
H. M. Watterson, *Speaker*	"	6	90	15 36	735 36

REPRESENTATIVES.

Representatives Names.	No. of days.	Per diem allowance.	Miles travelled.	Amount of mileage.	Total Amount.
W. B. Allen	120	$4	134	$21 44	501 44
P. B. Anderson	"	"	320	51 20	531 20
Thomas Black	"	"	80	12 80	492 80
H. Y. Bone	"	"	300	48 00	528 00
R. W. H. Bostick	"	"	36	5 76	485 76
Thomas M. Brashear	"	"	200	32 00	512 00
John Buchanan	"	"	150	24 00	504 00
M. Bullock	"	"	300	48 00	528 00
W. C. J. Burrus	"	"	54	9 00	488 60
E. Chambers	"	"	60	9 60	489 60
H. M. Clark	"	"	330	52 80	532 80
M. Cleveland	"	"	460	73 60	553 60
A. Dibrell	"	"	180	28 80	508 80
M. Duffy	"	"	90	14 40	494 40
W. Duggan	"	"	474	75 84	555 84
W. T. Elliston	"	"			480 00
E. Etheridge	"	"	260	41 60	521 60
John Eubank	"	"	76	12 16	492 16
George W. Fisher	"	"	400	64 00	544 00
H. B. Flippin	"	"	100	16 00	496 00
N. G. Frazier, of R.	"	"	270	43 20	523 20
H. S. Frazier, of W.	"	"	60	9 60	489 60
E. J. Frierson	"	"	110	17 60	497 60
J. A. Fuson	"	"	110	17 60	497 60
M. J. Gallaway	"	"	260	41 60	521 60
T. H. Garner	"	"	184	29 50	509 50
P. B. Glenn	"	"	394	63 04	543 04
P. Gordon	"	"	100	16 00	496 00
J. C. Guild	"	"	50	8 00	488 00
A. P. Hall	"	"	232	37 00	517 00
W. V. R. Hallum	"	"	100	16 00	496 00
J. B. Hamilton	"	"	614	98 24	578 24
L. C. Haynes	"	"	616	98 56	578 56
Joel Hembree	"	"	314	50 24	530 24
R. S. Holt	"	"	330	52 80	532 80
James M. Hord	"	"	532	85 12	565 12
William Houston	"	"	490	78 40	558 40
C. T. Huddleston	"	"	240	38 40	518 40
Thomas M. Jones	"	"	144	23 36	503 36
B. F. Lamb	80	"	210	33 60	353 60
James Lauderdale	120	"	300	48 00	528 00

Representatives Names.	No. of days.	Per diem allowance.	Miles travelled.	Amount of Mileage.	Total Amount.
W. G. McAdoo	"	"	360	57 60	537 60
J. E. Manlove	"	"			480 00
G. W. L. Marr	"	"	320	51 20	531 20
C. H. McGinnis	"	"	250	40 00	520 00
Austin Miller	"	"	340	54 40	534 40
T. C. H. Miller	"	"	80	12 80	492 80
Samuel Milligan	"	"	550	88 00	568 00
J. G. Mitchell	"	"	176	28 16	508 16
J. Morris	"	"	185	29 76	509 76
W. B. Munford	"	"	92	14 72	494 72
A. Northcutt	"	"	170	27 20	507 20
A. Pearce	"	"	448	78 08	558 08
W. W. Pepper	"	"	50	8 00	488 00
J. T. Quarles	"	"	150	24 00	504 00
David Rankin	"	"	220	35 20	515 20
J. W. Richardson	"	"	46	7 36	487 36
Isaac Roberts	"	"	160	25 60	505 60
T. Shaw	"	"	160	25 60	505 60
J. L. T. Sneed	"	"	488	78 08	558 08
H. H. Stephens	"	"	350	56 00	536 00
D. W. Tedford	"	"	400	64 00	544 00
J. Thomas	"	"	220	35 20	515 20
H. Trott	"	"	100	16 00	496 00
H. Turney	"	"	150	24 00	504 00
S. Venable	"	"	36	5 76	485 76
P. Walker	"	"	100	16 00	496 00
J. Warren	"	"	282	45 12	525 12
A. G. Watkins	"	"	470	75 20	555 20
J. A. Whiteside	"	"	260	41 60	521 60
Samuel W. Williams	"	"	622	99 52	579 52
John Williams	"	"	400	64 00	544 00
R. A. L. Wilkes	"	"	100	16 00	496 00
R. Yeates	"	"	132	21 30	501 30
Brookins Campbell, *Sp'kr*,	"	6	582	93 12	813 12

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, January 31, 1846.

MEMORIALS AND RESOLUTIONS.

NUMBER I.

Memorial of the General Assembly of the State of Tennessee, to the Senate and House of Representatives in Congress assembled.

SECTION 1. The General Assembly of the State of Tennessee present this memorial to the Congress of the United States, asking a cession and relinquishment of the lands south and west of the Congressional Reservation Line, and an appropriation in behalf of West Tennessee College, at Jackson; and beg leave respectfully to say:

SEC. 2. That by an act of Congress, approved 18th February, 1841, the State of Tennessee was appointed the agent of the General Government for the sale and disposal of the public lands lying in the western part of the State, and commonly known as "the lands south and west of the Congressional line."

SEC. 3. By this act the State of Tennessee was authorized to sell out said public lands at twelve and a half cents per acre, and was directed to hold the proceeds thereof subject to the order of the Treasurer of the United States, after deducting the amount paid out in the redemption of land warrants.

SEC. 4. The State of Tennessee, by her act of January 11th, 1842, ch. 84, accepted said agency, and has proceeded to the discharge of the trust reposed in her.

SEC. 5. The nett proceeds of said sale up to the 6th October, 1845, as will be seen by the Comptroller's Report to the General Assembly of that date, amounted to the sum of fourteen thousand eight hundred and forty-six dollars and thirty cents.

SEC. 6. It is estimated that the lands unsold, if they ever can be sold, will bring the further sum of thirty thousand dollars, making in all the sum of forty-four thousand eight hundred and forty-six dollars and thirty cents, which, when collected, will belong to the General Government.

SEC. 7. These refuse and barren lands are of but little

value. The best lands having been long since appropriated to the satisfaction of North Carolina Military Warrants.

Sec. 8. For a full history of the condition of the lands, their quantity, quality, and probable value, the amount appropriated to the satisfaction of military land warrants, and otherwise, your memorialists would respectfully refer your honorable body to a memorial adopted by this General Assembly on the 5th day of January, 1839.

Sec. 9. It has long been an object of the most cherished interest to this State to obtain from Congress a relinquishment of those sterile lands to enable her to appropriate their proceeds to the support of Education in such a manner as might be consistent with the rights of occupant settlers, who had gone into possession under the laws of Tennessee.

Sec. 10. It is known to you that under the peculiar circumstances in which this State entered the Union, she was burthened with a heavy liability for the satisfaction of North Carolina land warrants, and that the whole of her immense territory, except a few barren patches of sterile lands, have been thus appropriated.

Sec. 11. You are aware, also, that owing to this exhaustion of the public lands to satisfy the claims of the soldiers of the revolution, this State has only received the appropriation of 22,705 acres of land for the support of common schools, when, in fact, according to the ratio which the General Government has given lands for schools in the other Western States, she is entitled to 666,666 acres, which is one thirty-sixth part of her territory, and thus, owing to her peculiarly hard condition, she has lost 643,961 acres of land which, according to the usage of Congress, she should have received for the support of schools.

Sec. 12. The General Assembly of this State passed a resolution memorializing your two houses on this subject on the 5th January, 1838, praying the relinquishment of those lands to this State for the purposes of education, so as to put her upon an equality with her sister States in point of educational advantages.

Sec. 13. In anticipation of such relinquishment the same General Assembly passed an act, ch. 107, sec. 8, declaring, amongst other things, "That in the event the Federal Government shall hereafter relinquish to the State of Tennessee the vacant lands south and west of the Congressional Reservation Line, the amount of forty thousand dollars out of the sale of these lands shall be set apart as a perpetual fund for the support of a College in the Western District: *Provided*, The General Government, in the act of relinquishment, shall grant to the use of said College the appropriation herein made."

Sec. 14. The portion of Tennessee called the Western District, is that part of the State lying between the Tennes-

see and Mississippi rivers, and embraces eighteen populous counties, covering an area of ten thousand square miles, and supporting a population of about 200,000 inhabitants.

Sec. 15. There was not, until the last two years, any college or high school in the Western District, and the object of the Legislature was to furnish such an institution for that large and populous region of the State.

Sec. 16. By an act of this General Assembly, passed the 3d day of January, 1844, the West Tennessee College was incorporated and located in the town of Jackson, near the centre of that portion of the State known as the Western District of Tennessee.

Sec. 17. The college is located in that town, with a highly intelligent and moral population, and combines many advantages for the site of a college.

Sec. 18. The institution is now in successful operation, but its usefulness is greatly impaired for the want of additional buildings demanded by the necessities of the institution.

Sec. 19. Your memorialists would gladly extend to the institution the fostering aid contemplated by the Act of this General Assembly, passed the 5th January, 1838, but the Congress of the United States, in the Act of 18th February, 1841, from some cause unknown to your memorialists, did not deem it expedient to relinquish to the State of Tennessee the land south and west of the Congressional Line, that by such relinquishment your memorialists might make to a College in the Western District the appropriation contemplated by the Act of the 5th of January, of 1838, but directed that the proceeds of the lands should be held by the State of Tennessee, subject to the order of the Treasurer of the United States.

Sec. 20. Your memorialists would earnestly but respectfully urge upon Congress both the propriety and justice of ceding to the State of Tennessee all the vacant and unappropriated lands south and west of the Congressional Line for the purposes of education; that in the Act of cession Congress will direct that of the proceeds of the sales of said lands already received, and to be hereafter received, the sum of forty thousand dollars be appropriated out of the money already received, and the first to be hereafter received, to the College at Jackson. Your memorialists in addition to the reasons here stated, base the application herein made to the Congress of the United States upon the ground that the State of Tennessee has been the Trustee for the General Government in perfecting titles to the North Carolina land claims, which claims the General Government was bound by the cession act of N. C. to satisfy out of the land ceded to the General Government, and have expended large sums in legislating upon the subject of these

claims, in establishing lands offices, adjudicating of N. C. land warrants, surveying said lands and perfecting titles, in consideration of their services and expenses as Trustee for the General Government, the State of Tennessee respectfully ask Congress to cede to her the balance of said lands, that she may dispose of them in such manner as to secure the occupant in his home and to rear up a College in the Western District to be located at Jackson. *Provided*, That if after setting apart forty thousand dollars for the use and benefit of a College in Jackson, there shall be an excess arising from the sales of those lands, it shall be inviolably applied to the use of Common Schools.

Sec. 21. Your memorialists therefore, pray that all the vacant lands south and west of the Congressional Line be ceded to the State of Tennessee for purposes of education, and out of the proceeds of the lands heretofore sold and first hereafter to be sold, the said sum of forty thousand dollars be directed to be paid to the College in the Western District at Jackson, in such manner as Congress in their wisdom may direct, etc.

Resolved by the General Assembly of the State of Tennessee, That his Excellency, the Governor, be requested to transmit a copy of the foregoing memorial to each of our Senators and Representatives in Congress, and that they be respectfully requested to use their best exertions to procure the passage of an act of Congress to carry into effect the object of the foregoing memorial.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted December 4, 1845.

NUMBER II.

A Resolution directory to the Treasurer in favor of Russell Bowman.

State of Tennessee, } This day personally appeared,
Davidson County. } Russell Bowman, before me, and made oath, that he has lost, or unintentionally mislaid a check on the Bank of Tennessee, drawn by Matthew Nelson, Treasurer of Tennessee, and countersigned by F. K. Zollicoffer, Comptroller, No. 6558, in favor of William D. Wyley, and made payable to the said Russell Bowman as agent of Wm. D. Wyley, which check is for ten dollars, and is dated 2d July, 1845. This 11th day of November, 1845.

R. BOWMAN.

JOSIAH FRANKS, J. P.

Resolved by the General Assembly of the State of Tennessee, That the Treasurer of of the State be hereby authorized to draw a check on the Bank of Tennessee to supply the place of the lost check, as described in the foregoing affidavit.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted December, 1845.

NUMBER III.

Resolution requesting the President of the United States of America to furnish an Agent for the inspection and purchase of American water rotted Hemp in Tennessee.

Whereas, experiments in Tennessee, the most satisfactory and conclusive, have proven, that hemp can be produced, and water rotted and prepared for the use and wants of the Navy and Marine service of the country, equal in quality to any in the world.

And whereas, it is manifestly the interest, as it is the duty of our Government, to foster and encourage the growth and production of this staple of Tennessee, as an important element of National defence and commercial prosperity, and as essential to our safety and independence in time of war with all foreign countries.

Be it therefore Resolved, by the General Assembly of the State Tennessee, That the importance and value of this article to the Government of the United States, and the combination in Tennessee of all the elements of soil, climate and streams of water, well adapted to its growth and preparation, unite to make it the interest of the General Government to encourage its production in Tennessee; and that as a means of effecting that object, we invite and request the President of the United States to cause the proper steps to be taken to furnish an agent for the inspection and purchase of American water-rotted hemp in Tennessee.

Resolved, That his Excellency the Governor of Tennessee, the Hon. Aaron V. Brown, transmit to his Excellency James K. Polk, President of the United States of America, a copy of the above preamble and resolution.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted December, 1845.

NUMBER IV.

Resolved by the General Assembly of the State of Tennessee, That the Treasurer pay to Robert and Edmond King, heirs of Thomas King, deceased, or to their agent, the sum of two hundred and sixty-five dollars, the amount of two land warrants, No. 5801 and 5802, drawn by the Comptroller on the 24th day of April, 1844, and payable to Nathaniel Henderson and the heirs of said Thomas King: *Provided*, the heirs of Robert and Edmond King will give bond and security, indemnifying the State against any claim which the said Henderson or his heirs may bring for the one-half of said Treasury warrant.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted December, 1846.

NUMBER V.

Resolution asking Alabama for the right of way for the Chattanooga Rail Road.

Whereas, The General Assembly of the State of Tennessee has passed an act incorporating a company to construct a rail road from Nashville, in Davidson county, to Chattanooga, in Hamilton county,

And whereas, from partial examinations and recognizances which have been made, several different routes are presented, supposed to afford facilities for the location of the road, one of which crosses the State line, and for a short distance passes through the territory of the State of Alabama: And it being desirable to locate and establish the road upon the route most suitable for its construction, which can only be ascertained by actual surveys and estimates: Therefore,

Resolved by the General Assembly of the State of Tennessee, That the legislature of the State of Alabama be requested to grant to the Nashville and Chattanooga Rail Road Company the privilege of surveying, and in case they find that route most eligible for locating and building their road and any necessary warehouses, depots, water stations, &c. from a point on the State line, in Jackson county, at or near the place where Crow creek crosses the same: thence down the valley of said creek towards Bolivar, so far as to be able to turn the spur of Cumberland mountain and re-cross the

State line between said mountain and Tennessee river, with such protection to the rights conferred, and such restrictions as that legislature may deem expedient to impose.

Resolved, That the Governor of this State be requested to transmit a copy of the foregoing preamble and resolution to the Executive of the State of Alabama, with the request that he will submit the same to the legislature of that State for consideration.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted December 12, 1846.

NUMBER VI.

A Resolution directory to the State Geologist.

Resolved by the General Assembly of the State of Tennessee, That the Geologist of the State examine the several beds or quarries of marble on Caney Fork river, above Smith's ferry, where the road from Sparta to Smithville crosses said river; and that he report to this session of the General Assembly of this State, the quality and colour of said marble, and whether the same is suitable for the decorative parts of the interior of the State Capitol, and for the columns of the hall of Representatives and the Senate chamber; and also, the distance of said quarries from the river.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted, November 20, 1846.

NUMBER VII.

Resolution directory to the Comptroller.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury issue a warrant to the Treasurer, directing said Treasurer to receive from George R. Powell, clerk of the circuit court of Hawkins county, the sum of nine hundred and fifty-six dollars and eighty cents,

an amount paid into his office by Benjamin Thurman, former sheriff of Hawkins county, without interest.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, December 22, 1845.

NUMBER VIII.

Resolution directory to the Treasurer.

Resolved by the General Assembly of the State of Tennessee, That the Treasurer is directed to pay to the members and officers of the two Houses, the amount of their per diem, which, at the time of their application for the same, may be found due to them, according to law, and that their receipts shall be good vouchers for the treasurer in the settlement of his accounts.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed December, 1845.

NUMBER IX.

Resolved by the General Assembly of the State of Tennessee, That the comptroller of the treasury, be and he is hereby authorized to settle and adjust the indebtedness of Nimrod Porter, late Sheriff of Maury county, for the revenue due and owing to the State from said Porter, for the years 1841 and 1842; to be adjusted, by said Porter's transferring to the State, county claims on the county of Maury, which it is stated said Porter holds on said county as compensation for building a court house in Maury county, now in progress of construction.

Resolved further, That if the comptroller shall be able to effect an adjustment of said Porter's indebtedness to the State, which is now in judgment or in suit, as contemplated in the foregoing resolution, it shall be the duty of the comptroller to take a written transfer of the claims of the said Porter or a sufficient amount thereof to secure and indemnify the State, and have such transfer recorded in the county court of Maury county, and have a copy of the same delivered to the county trustee, sheriff and commissioners ap-

pointed by the county court to superintend the building of the court house. *Provided*, if the settlement and adjustment of said claims shall not be effected by the comptroller under these resolutions, nothing herein contained shall be so construed as to prejudice the interest of the State.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted, January 17, 1846.

NUMBER X.

Resolved by the General Assembly of the State of Tennessee, That Samuel B. Boyd and Dr. James W. Paxton, be appointed Trustees of the East Tennessee university, in the place of Matthew McClung and Robert King, deceased.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted January 16, 1846.

NUMBER XI.

Resolution directory to the Governor.

Resolved by the General Assembly of the State of Tennessee, That his Excellency, the Governor, nominate to this General Assembly, for confirmation, three persons to act as Inspectors of the Penitentiary for the next two years.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted January 19, 1846.

NUMBER XII.

Resolution directory to the President and Cashier of the Bank of Tennessee.

Resolved by the General Assembly of the State of Tennessee, That the president and cashier of the Bank of Tennessee, be requested to furnish to this Legislature a statement of the nett profits made by said Bank and Branches, and each Branch separately, for the period of one year immediately preceding the 1st of October 1845; also, the rate per cent upon the capital during said period; also to state whether or not said Bank holds other monies on loan, than those for which the State executed her bonds, and which are held by law to be the capital of the Bank, and if so what amount and what interest said Bank pays for such loan.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted January 16, 1846.

NUMBER XIII.

Resolution directory to the Governor.

Resolved by the General Assembly of the State of Tennessee, That the Governor be and he is hereby authorized to employ additional counsel in the cause wherein the State is complainant and the President, Directors and Stockholders of the Pelham and Jasper Turnpike Company are defendants in the chancery court at Pikeville, Bledsoe county, Tennessee.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted January 22, 1846.

NUMBER XIV.

Resolution requiring one hundred thousand dollars of river bonds to be burned.

Resolved by the General Assembly of the State of Tennessee, That the one hundred thousand dollars of river bonds issued by the State of Tennessee for the improvement of the rivers of Middle Tennessee, and now in the possession

of the Bank of Tennessee be and they are hereby directed to be handed over by the President of said Bank to his excellency the Governor of the State and by him cancelled and burned.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted January 23, 1846.

NUMBER XV.

Whereas, After applying the surplus dividends of the Bank and the contingent fund and the uninvested dividends declared upon the stock owned by the State in the several internal improvement companies, there remains a large deficiency in liquidating the interest on the State bonds issued for internal improvements. Therefore,

Resolved, That the Governor be requested to notify the President and Directors of the several internal improvement companies of such deficiency, and of the amount which each of said companies will be required to pay, to meet the interest on said bonds, and upon a failure of any of said companies to pay the requisition upon them that he notify the Attorney General thereof, whose duty it shall be to institute legal proceedings against such delinquent company or companies for such sum under the provisions of the act of 1837 chap. 107 sec. 20; the Attorney General with a view of testing the right of the State to recover said deficiency, he shall first select some one of the companies in default and institute suit against that company, and if practicable make arrangement with the balance of said companies to abide by the principles adjudicated in said case: *Provided*, that nothing in this resolution shall be so construed as to require suit to be brought against one internal improvement company for the deficit of interest upon the bonds issued for the benefit of another company, but only for such deficit upon the bonds issued to the companies severally.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted January 23, 1846.

NUMBER XVI.

Resolution directory to the Secretary of State.

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State have printed 7,500 copies of the captions of the acts and joint resolutions of the two houses with a short abstract of the substance of each public act, 2500 copies for the use of the Senate and 5000 for the use of the House; and that the sum for printing the same be paid upon the warrant of the Comptroller issued to the printer or printers, who may print the same.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted January 28, 1846.

NUMBER XVII.

Preamble and Resolution settling the claim of the State on the Bank at Nashville.

Whereas, The board of common school commissioners for the State, on the 9th day of May 1837, recovered in the circuit court of Davidson county, two judgments for fourteen thousand seven hundred and twenty dollars each against the Bank of Nashville on account of the academy fund, on which judgments there was paid to Robert H. McEwen late superintendent of public instruction on the 17th day of January 1839, the sum of five thousand dollars.

And whereas, A joint select committee has been appointed by the General Assembly now in session to enquire into the means of said Bank to discharge the balance of about $30,855 00 due on said two judgments after deducting the payment aforesaid, and to request said Bank to submit the terms on which it proposes the final settlement and liquidation of said debt.

And whereas, Said committee has reported as the only available means yet belonging to said Bank out of which to satisfy said judgments 6040 acres of land, 1359 acres of which lie in Dyer county, 1242 in Hardin, 1078 in Shelby, 500 in Obion, 640 in Weakley and 1220 in Carroll county, together with a judgment in the Supreme Court of this State at Nashville against John C. McLemore and George W. Campbell recovered on the 31st day of March 1835, on which the amount due of both principal and interest on the 25th day of December last was about $2907 $\frac{11}{100}$.

And whereas, Said Bank has offered to convey said lands

and transfer said judgment to the State in full satisfaction of the unpaid balance due on said two judgments of the 9th of May 1837.

And whereas, Said joint select committee after having had this subject under consideration by their report recommends to this General Assembly the acceptance of said offer. Therefore,

Resolved by the General Assembly of the State of Tennessee, That the proposition of the Bank of Nashville as made to said committee and reported to this General Assembly, to convey said 6040 acres of land and assign said judgment on J. C. McLemore and G. W. Campbell to the State in full satisfaction of the unpaid balance due on said two judgments of the 9th of May 1837 in favor of the board of common school commissioners against said Bank, be and the same is hereby accepted.

2. *Resolved*, That the Attorney General for the State receive from said Bank an assignment, to himself for the use of the State, of said judgment on McLemore and Campbell, and that he proceed to collect the same, and when collected, pay over the money to the Treasurer of the State and take his receipt for the same, and file it with the Comptroller of the treasury.

3. *Resolved*, That James A. N. Murray, of the county of Carroll, be and he is hereby appointed the trustee and agent of the State, to receive from the trustee of said Nashville banks, the titles to said 6040 acres of land; and that after entering into bond, with two good and approved securities, in the sum of twenty thousand dollars, payable to the Governor of the State, for the time being, and his successors in office for the use of the State, said agent shall proceed to sell said lands for the best price he can obtain therefor, on a credit of one, two and three years, at equal annual instalments, requiring of the purchaser or purchasers, his or their bonds, with approved personal security, and retaining a lien upon the land for the payment of the purchase money, which, when collected, said agent shall without delay pay over to the treasurer of the State, taking duplicate receipts therefor, one of which he shall file with the comptroller of the treasury, for whose services in selling said lands and collecting and paying over the proceeds as herein required, said agent may retain out of the same twelve and one-half per cent on the amount of such sales, as full compensation for his services.

4. *Resolved*, That the bond required to be given by the agent of the State, in the preceding resolution, shall be given to the comptroller of the treasury, who shall file the same in his office, and its conditions shall be, "that said agent will sell said lands to the best advantage for the State, and well and faithfully pay over to the treasurer (as herein pro-

vided) the purchase money, as the same shall be collected by him." And in case of a violation of said bond, by a failure to account for and pay over said monies by said agent, it shall be the duty of the Attorney General for the State to procure said bond from the comptroller, and procure the same before any circuit court in this State, and move said court for judgment against said agent and his securities for the amount of money received by said agent, and not accounted for: *Provided*, before making such motion, it shall be the duty of the attorney general to cause a ten days notice, of the time and place of making the same, to be served on said agent and his securities: *Provided*, said securities be not dead, and reside in this State.

5. *Resolved*, That it shall be the duty of the attorney general of the State to prepare a deed of conveyance of said lands to said agent, as the trustee of the State. Upon the execution of which, by the trustee of the Nashville bank, and the assignment by said bank to the State, of said judgment on McLemore and Campbell, he shall execute to said bank, in the name of the State, a receipt in full against said two judgments of the 9th of May, 1837.

6. *Resolved*, That the agent herein appointed, if he shall think it to be the interest of the State to do so, may have said tracts of land divided into lots of a size to suit purchasers, the cost of which shall be paid out of the proceeds of their sale, and the receipts of the surveyors and chain carriers shall be good vouchers to said agent in his settlement with the treasurer.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted January 28, 1846.

NUMBER XVIII.

Resolution to provide for the payment of State Bonds.

Whereas, the State of Tennessee subscribed for stock to the amount of five hundred thousand dollars in the Union Bank, and issued her bonds for the same;

And whereas, the dividends of the State, on said stock, has from time to time been reinvested in stock in said bank to the amount of one hundred and forty-six thousand six hundred dollars;

And whereas, it is believed by this General Assembly to be good policy for the State to dispose of said stock in satisfaction of said bonds—Therefore,

Resolved by the General Assembly of the State of Tennessee, That the President of the Bank of Tennessee, be and he is hereby directed and empowered, whenever the stock of the State in the Union Bank, arising from the original subscription of stock on behalf of the State and the reinvestment of the dividends on the same, can be disposed of in market, for a sum sufficient to liquidate said bonds, to sell the same, and apply the fund arising from such sale to the payment and purchase of said bonds; and when said bonds are purchased and paid off as contemplated by this resolution, they shall be delivered to the Secretary of State, and by him cancelled in the presence of the Governor.

Resolved further, That if the President of the Bank of Tennessee shall ascertain that the entire stock in the Union Bank, belonging to the State of Tennessee, cannot be disposed of at a rate sufficient to pay off all the bonds issued for stock in the said Union Bank, then the President of the Bank of Tennessee is hereby authorized to dispose of one-fourth of said stock in the Union Bank owned by the State to meet the amount of one hundred and twenty-five thousand dollars of bonds, that fall due in 1848, and if that cannot be accomplished, then the President of the Bank of Tennessee shall negociate with the General Government, the owner of the bonds, for further time on said bonds, on the most favorable terms that can be effected for the benefit of the State of Tennessee.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 26, 1846.

NUMBER XIX.

A Resolution additional to Resolution No. 40, passed on the 16th January, 1844.

Resolved by the General Assembly of the State of Tennessee, That the Clerk and Master of the Chancery Court at Franklin may advance to Francis B. Fogg and Return J. Meigs, who were appointed to perform the work in said Resolution mentioned, one-half the money therein specified, so soon as the same shall be collected.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 26, 1846.

NUMBER XX.

Resolution directory to the Attorney General of the third Judicial circuit.

Resolved by the General Assembly of the State of Tennessee, That the Attorney General of the third judicial circuit be directed to take from Philip Bible, bond and good security, payable in one, two, three and four years, without interest to the State, for the amount of a judgment recovered against him, in the circuit court of Marion county, as the security of William Jones, sheriff of said county; and on giving such bond and security, and the payment of the costs, the attorney general shall dismiss all suits against him.

Resolved, That the attorney general for the State is hereby instructed to file a bill to enforce the liens now secured to the State upon the private property of stockholders, and the property of the La Grange and Memphis Rail Road Company, by the 22d and 24th sections of the general law of 1837 and 8, and the fifth section of the act of 27th of June, 1840.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 26, 1846.

NUMBER XXI.

Resolution authorizing compensation to N. H. Allen.

Whereas, The comptroller of the treasury sent to N. H. Allen of Montgomery county, for collection, a claim against Genl. W. B. Johnson of about $2,400, of which he, the said N. H. Allen, collected $1800.

And whereas, the comptroller has no authority by law, to allow to N. H. Allen any compensation for his services, rendered the state in collecting the above sum of $1800. Therefore,

Be it enacted by the General Assembly of State of Tennessee, That the comptroller of the treasury issue his warrant to the treasurer authorising and instructing him to pay to N. H. Allen the sum of fifty dollars for his services, rendered the State, as set forth in the foregoing preamble.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted, January 24, 1846.

NUMBER XXII.

Resolution directing the Comptroller of the Treasury to issue his warrant to the Treasurer of the State to refund to the Sheriff of Robertson county money improperly paid into the Treasury.

Whereas, The sheriff and deputy sheriff of the county of Robertson paid into the treasury of the State the whole of the revenue of said county arising from the State tax for the year 1842, including the insolvent claims as well as the revenue actually collected by him. And

Whereas, The said Sheriffs of Robertson county are entitled to a credit of twenty-nine dollars and $\frac{47}{100}$, the amount of insolvent claims in said county of Robertson for the year 1842, as certified by the clerk of the county court thereof. Therefore

Be it resolved by the General Assembly of the State of Tennessee, That the comptroller of the treasury be and he is hereby authorized and directed to issue his warrant to the treasurer of the State instructing him to refund to J. Benton, sheriff of the county of Robertson in the year 1842, twenty-nine dollars and $\frac{47}{100}$.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted January 28, 1845.

NUMBER XXIII.

Memorial to the Congress of the United States.

Whereas, In July 1836, the companies of Captain's Gillespie, Peake, Vernon & Rodgers were taken into the service of the United States by authority of the War Department to serve twelve months as mounted volunteers, unless sooner discharged.

And whereas, In November 1836, the commanding General ordered said Volunteers to return to their homes and there wait the further order of the President of the United States or the commanding General without pay.

And whereas, The Secretary of War decided said Volunteers to be under an indefinite furlough, and as such, were entitled to their pay and rations until discharged.

And whereas, Under decisions of the pay master General the second comptroller of the treasury and the Secretary of War the per diem and forage of the horses of said Volunteers, while under said indefinite furlough have been withheld. Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Government of the United States, should allow to the said Volunteers such compensation for their time, trouble, expenses and losses while under such indefinite furlough or in the actual service of the U. S. as may be deemed just, equitable and right.

And whereas, A number of horses were lost, to the Volunteer under General Armstrong and Major Laudendale by want of forage, and fatigue, and by straying off and being abandoned, and no provisions having been made for that class of losses, such compensation for their time, trouble and expenses for themselves and horses as may be deemed just, equitable and right.

Resolved, That the Governor of this State furnish a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed, January 31, 1846.

NUMBER XXIV.

Resolution directory to the President and Directors of the Bank of Tennessee.

Whereas, a bill has passed both houses of this General Assembly, authorizing the President and Directors of the Bank of Tennessee to reduce the capital stock of said bank, the sum of two hundred thousand dollars for appropriation of money out of the assets of the bank for the improvement of the rivers in East Tennessee and the Western District, and also for the amount of Dale's defalcation; which bill was, by the House of Representatives, so amended as to direct a sale of lands purchased and held by the bank, not required for the legitimate business of banking. Which bill is lost, and cannot therefore be finally passed into a law.—Wherefore,

Resolved by the General Assembly of the State of Tennessee, That the President and Directors of the Bank of Tennessee, be authorized and directed to make the reduction aforesaid in the capital stock of said bank, and that in their discretion, they cause the real estate owned by the bank or branches, not required for banking purposes, to be sold as they may deem best for the interest of the bank.

Resolved further, That it shall be the duty of the president and directors of said bank to attach the counties belonging

to any bank district, where a branch may be withdrawn, to such other district as in their judgment may be most suitable and convenient.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted February 2, 1846.

NUMBER XXV.

A Declaration of the General Assembly of the State of Tennessee, to the Senate and House of Representatives of the United States of America in Congress assembled.

The General Assembly of the State of Tennessee, recurring to the domestic policy of the Federal Government, notices, with lively approbation, a law of the last Congress of the United States, establishing a Naval Depot at Memphis, on the Mississippi river.

This great measure was dictated, it is believed, by the soundest wisdom, and will, if it shall be happily carried out, secure in time of peace, that preparation for all future emergencies, which will aid the country in averting war, or in avenging its provocations. The location too of that depot—as can be easily manifested—is, in the opinion of this General Assembly, aptly and eminently adapted to the advancement and execution of the great objects it was intended to accomplish: the chief of which was the construction and repair of Steamers of War.

Memphis is situated in a temperate and healthful climate, exempt alike from the severe frosts of winter, or the destructive fevers of summer. It is in close contiguity to inexhaustible regions, productive of Iron, of Stone Coal, of Hemp, and of Wood, and all of easy access by water during the greater part of the year. It must soon overlook the South-eastern Seaboard, by means of a great Atlantic Rail Road. It is about midway between the Gulf of Mexico and the Northern lakes, reaching the former by deep and uninterrupted navigation, and destined, it is confidently hoped, at no very distant day, to communicate with the latter by a ship canal. It is almost midway, too, between the mountains East and West of the Mississippi, which cut off and separate the great "inland basin" of this Republic, from the Ocean slopes on either side of these mountains. The Geographical centre thus of the most extensive and fertile valleys upon the earth: Memphis is now, or, at the outside, will, in a few years, become the centre of a great

community, whose population, in its rapid and astonishing increase, must far out number and double the population of all the residue of the Union. It is at this moment, as it must always be, the most available point for the successful promotion of all the great National purposes, designed to be secured by the establishment of a Naval Depot on the Western waters: and this General Assembly repeats a decided approbation of all the steps taken by Congress to advance a policy now so auspiciously begun.

In addition to these grave and weighty considerations, the General Assembly of Tennessee may safely press others which cannot be prudently overlooked, if it is the desire and intention of the Federal Government to promote good feelings every where, and to guard the harmony of the country, by dealing out equal and even handed bounties to all its sections and divisions.

The erection and the future agencies of a Naval Depot, and other useful and important public works, on the Western waters, will necessarily occasion a more expanded and equitable distribution of the public revenue. Such a policy was loudly demanded by the just rights of the West, and could not have been much longer postponed, without weakening to some extent the peaceful and loyal relations that have hitherto so firmly united the American Nation. It will diffuse into new channels that wealth, which is the product of a general annual tax upon all the people, and which whenever it can be prudently and properly avoided, should not be too systematically lavished or exhausted upon an older and more regarded division of the Union. Already do we behold a chain of Naval Depots dotting the bays and harbors of the Atlantic from Portsmouth to Norfolk, and in their necessary outlay and expenditure, invigorating industry, and scattering yearly large sums of money among an highly favored people. Nor is this fact adverted to in a carping or invidious spirit. These great works are all of them well enough, perhaps, in their particular places, indispensable no doubt, in their numbers, if not in their confined locality to the public service: and it will become good citizens everywhere, however distantly removed from the immediate advantages they confer, to rejoice in the national utility, and in the increased individual prosperity they impart within the great circle of their influence.

Similar public establishments on the banks of the Mississippi and its great tributaries will carry, with similar benefits and facilities, to a great and growing community, proverbial for its patriotism, but hitherto wholly unaccustomed to any participation in the public disbursements. They would stimulate its enterprize by opening new and profitable markets to the labor and the productive energies of that community. They would in no small degree familiarize

the public eye with the character and the application of the destructive engines of war, and thereby acquaint a remote but devoted people with the power and defensive force of the Government.

The hardy waterman of the Mississippi, already more than half a sailor, trained thus in frequent intercourse with the war ship, the child of his own boasted valley, would imbibe feelings which no recited lesson could inspire; and with the first invitation of his country, he would eagerly walk her decks and peril life in defence of her colors. This brave and patient class of our population, already numbers some twenty thousand—they flourish in a growing and instructive school, and will, in all time to come if properly nurtured, constitute a standing army of peaceful and unexpensive citizens, inured to toil and discipline, and ready at a moment's warning to man a navy, or, if needs be, fill up and recruit our field battallions. Fully impressed with the truth and the accuracy of these reflections, and well aware of their practical value and importance, the General Assembly of Tennessee has noticed with surprise and regret, the sentiments that characterize that portion of the late Annual Report of the Secretary of the Navy, appertaining to the particular branch of the domestic policy, which it is the intention of this formal declaration to vindicate and support. That high functionary, while he justly compliments the advantages, and admits the facilities which Memphis presents as a location for the details of the plan proposed for a Navy Yard at that point, because, as he remarks, "it was framed on a scale of extravagant expenditure," for this and other reasons, all of which, if true, are easily susceptible of proper and effective remedies, he recommends to the Legislature a confined use of the moneys it may appropriate: First, to the immediate construction of a Rope Walk, and next to simple arrangements for building and equiping Steamers, for the enlarged designs of a depot, adequate to all the great objects of such an Institution. What it is that constitutes the extravagance of their plans, remains to be disclosed, and can only afterwards be determined by competent and experienced judges. It is fair, however, to suppose that Congress, in the act of establishing a Navy Yard at Memphis, knew that the execution of the work might consume years, and would require large sums of money; and it is equally as fair to add here, that the justness of that presumption should have secured the future progress of the work against objections, which are mainly bottomed upon its probable expense. Public economy, it is freely conceded, is a commendable virtue, but it must at the same time, be as frankly assented, that the frugality which stops to weigh dollars and cents, in nicely adjusted balances, when the just claims of any part of the State, or the direct

interest of the whole demands the execution of a measure of policy, sometimes degenerates into a morality of doubtful excellence, and not unfrequently injures, when it aims honestly to protect the country. The recollection of such a virtue has not always heretofore startled the fears of public agents, and sealed the Treasury doors. Yearly millions have been appropriated to construct and keep up the Navy Yards that crowd and ornament the North-eastern Seaboard, and constantly add capital and energy to its trade and industry.

Its scrutiny in the instance now under discussion, may successfully postpone rights and interests, that have been already too long deferred. Delay will strengthen their force and give certainty to a final acquisition. If Memphis, in the language of the Secretary, is "in the heart of the country," and on an "Ocean river"—if in "building Steamships it may compete with Boston, New York and Philadelphia"—if it lies, moreover, "just below the great hemp growing region"—and if, as may be added with equal fidelity, it lies also just below regions of Iron and Stone Coal, and stands surrounded by interminable forests of finest timber, the national value of the location admits of no prolonged controversy, nor will its future occupation and importance for the great national objects now in question, be forgotten or retarded by any scrupulous calculations of money or time.

It is the judgment of the Secretary in the premises, and not his unimpeached patriotism, or his general capacity, which it is the object of this Assembly to controvert.

The Legislature of Tennessee, in all proper respect to the persons and opinions of those with whom it may differ, protests against views and considerations so contrary to the spirit and intent of the law establishing a Naval Depot at Memphis, and so palpably prejudicial to the hopes and just expectations of its constituents. Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the act of Congress, of June 1844, establishing a Naval Depot at Memphis, was a measure of Government, dictated by the soundest views of policy, and founded in a due regard to the best interests of the country, and the long deferred rights of the West.

Resolved, That by the plain interpretation of the law, it is the duty of the officers of the Federal Government, until otherwise ordered or interrupted by Congress, to commence and vigilantly prosecute, by all the means placed at their command, the construction of that Depot on a scale commensurate with the spirit and the great objects of the law.

Resolved, That the Governor of Tennessee be requested

to forward a copy of this memorial to each of our Senators and Representatives in Congress.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed January 26, 1846.

NUMBER XXVI.

Resolution directory to the Circuit and Supreme Court Judges.

Resolved by the General Assembly of the State of Tennessee, That no fine, forfeiture or imprisonment shall be imposed or recovered for the offence of tippling, under the act of 1837 and 8, except the offence of selling spirits to slaves; and that all causes pending in any of the courts in this State shall be by said courts dismissed.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

NUMBER XXVII.

Resolution providing for a settlement of the claim of the State against Robert H. McEwen, late Superintendent of Public Instruction.

Resolved by the General Assembly of the State of Tennessee, That Jos. W. Horton, Dr. John Waters, Nicholas Hobson, the Hon. Morgan W. Brown, V. K. Stevenson and Andrew Ewing, be and they are hereby appointed commissioners to compromise and settle with Robert H. McEwen, late Superintendent of Public Instruction, the matters in controversy in a suit depending in the Supreme court at Nashville, in the name of James K. Polk, late Governor of the State, and others against the said Robert H. McEwen and his securities; and that the decision of said commissioners, or a majority of them, when made and returned into court, shall be the judgment of the court in the premises: *Provided*, That said commissioners shall allow said McEwen no credit in the said settlement, except for discount on depreciated currency received by him at the time he received the same as Superintendent, and in relation to such depreciated currency shall settle the same upon principles of right and jus-

tice: *Provided*, That the award of such arbitrators shall not be made the judgment of the court, unless said McEwen shall, to the satisfaction of the court, secure the payment of such amount as may be awarded against him.

Resolved, That if either of said commissioners should be unable or should decline to act, the Governor of the State shall be and he is hereby authorized to appoint another commissioner or commissioners in the place of such as may be unable or decline to act: *Provided*, That no allowance shall be made for depreciated currency unless said Superintendent shall show that the money was depreciated at the time he received it, and that he suffered a loss thereby.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted January 31, 1846.

NUMBER XXVIII.

Resolution to require the Governor of the State of Tennessee to open a correspondence with the Governor of the State of Kentucky.

Whereas, much inconvenience has heretofore arisen, and is now experienced by citizens residing in the northern part of the State of Tennessee, between the lines commonly known as Walker's and Steele's line, in consequence of the difficulty and expense in procuring titles to land under the provisions of the 5th article of the Convention entered into between said States on the 2nd of February, 1820. Said article provides that all lands now vacant and unappropriated by any person or persons claiming to hold under the State of North Carolina or Tennessee, east of the Tennessee river, and north of the parallel of latitude 36 degrees and 30 minutes north, shall be the property of and subject to the disposition of the State of Kentucky, which State may make all laws necessary and proper for disposing of and granting said land or any part thereof, &c. Now, therefore, in view of the many difficulties arising out of said article, which requires the citizens of one sovereign State to make application to the officers of another sovereign State for the surveying of lands and granting titles to the same, which requires the citizens of Tennessee to hold evidences of title to land within the acknowledged boundaries, which titles must emanate from the Governor of Kentucky, which requires the citizens of Tennessee to apply to Kentucky for surveyors to survey said lands; and in view of the many in-

consequences resulting to the citizens of Tennessee from this state of things:

Be it resolved by the General Assembly of the State of Tennessee, That the Executive of the State of Tennessee, be and he is hereby requested to open a correspondence with the Executive of Kentucky during the present session of the legislature of said last mentioned State, if practicable, touching the lands claimed by Kentucky within the limits of the State of Tennessee, with a view of acquiring them by purchase and all sovereignty over them, of ascertaining the estimated value of the same and of the feelings and disposition of our sister State towards adjusting the matter in such way as to give to the State of Tennessee a perfect jurisdiction over all the territory within her boundary line, and make report of the same to the next General Assembly of this State.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted February 2, 1846.

NUMBER XXIX.

Memorial to Congress in relation to Tennessee river.

The Memorial of the Legislature of Tennessee respectfully represents, that the Tennessee river, from its mouth to Knoxville, in East Tennessee, a distance of more than 600 miles, affords an abundance of water, at all seasons, for useful navigation—not less, it is believed, than is in the Ohio for the same distance—that its navigation is greatly obstructed by Shoals and rapids, which might be obviated by improvements, which could be made at a moderate cost, for such a work, but which are beyond the competency of a single State to remove.

That the establishment of rail road communication, which now approaches completion, between the cities of Charleston and Savannah and said river in East Tennessee, adds greatly to the importance of the river as a channel for travel and transportation between the Mississippi river and a large portion of the Mississippi Valley and the Southern Atlantic coast.

The great length of the stream—the different States interested in its improvement—the fertility and abundant productions of the soil and country through which it passes—the exhaustless abundance of iron ore and stone coal, of the finest quality, for a great distance on its margin—the great

development which such a channel of free inter-communication would give to the agricultural, mining and manufacturing resources, and the natural wealth of a large and important section of the Union—the great facilities and aids which it would afford to the commercial and internal trade of the country, particularly at times, when the heat and sickly climate of the South, and the severity of winter at the North, interpose obstacles to a safe and speedy intercourse between the great Valley and the Atlantic; the ease and expedition with which troops and munitions of war could be transported from the interior to the seaboard, all conspire to render its improvement an object of national importance, and of great interest and advantage to the country.

That at Knoxville and Chattanooga, on the Tennessee river, a considerable commercial business is now done, which must soon very greatly increase:—Wherefore,

Your memorialists respectfully ask your honorable body to declare Knoxville and Chattanooga ports of entry—and to make such appropriation of money as you in your wisdom may deem right and proper for the improvement of the navigation of said river.

Resolved by the General Assembly of the State of Tennessee, That the Governor of the State be requested to transmit to our Senators and Representatives in the Congress of the United States, a copy of the foregoing memorial, with a request that they present it to their respective Houses.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Passed February 2, 1846.

NUMBER XXX.

A Resolution directory to the Attorney General of the 6th Judicial Circuit.

Resolved by the General Assembly of the State of Tennessee, That the Attorney General of the 6th Judicial Circuit, in receiving from the securities of William Rice, late sheriff of Sumner county, the State tax due from said sheriff, shall allow the said securities to retain, instead of the said Rice, the commissions allowed by law for collecting said taxes.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted February 2, 1846.

NUMBER XXXI.

A Resolution directory to the Governor.

Whereas, General William Carroll, late Governor of the State of Tennessee, departed this life since the adjournment of the last General Assembly. *And whereas*, the memory and public services of that distinguished military chieftain and civilian merits some testimonial from the people of Tennessee, of their respect to his memory. Therefore,

Resolved by the General Assembly of the State of Tennessee, That his Excellency Aaron V. Brown, Governor of the State, be and he is hereby authorized and requested to appoint some suitable person to erect and place over the grave of that distinguished man a suitable and appropriate monument, with an inscription appropriate to his memory.

2. *Resolved*, That the comptroller issue a warrant to the treasurer of the State of Tennessee upon the order of the Governor aforesaid, for the sum necessary to pay for constructing the same.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted February 2, 1846.

NUMBER XXXII.

Resolution directory to the Comptroller.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the treasury be required to investigate and report the state and condition of all the monies received by the entry-taker of Hawkins county, for lands entered within Walter Sims' survey, under the act of 7th January, 1830. He will report what amount has been paid to the heirs of Walter Sims; how much remains unpaid, and in whose hands, and report to this General Assembly, if practicable, if not to the next General Assembly.

BROOKINS CAMPBELL,
Speaker of the House of Representatives.
H. M. WATTERSON,
Speaker of the Senate.

Adopted February 2, 1846.

SECRETARY OF STATE'S OFFICE,
Nashville, March 23, 1846.

I have carefully collated the foregoing Acts and Resolutions with the originals on file in my office, and find them to be correct copies.

JNO. S. YOUNG,
Secretary of State.

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